

CLOSED

**United States District Court  
District of Massachusetts (Springfield)  
CIVIL DOCKET FOR CASE #: 3:98-cv-30208-KPN**

Rolland, et al v. Patrick, et al  
Assigned to: Magistrate Judge Kenneth P. Neiman  
Demand: \$0  
Case in other court: 98cv30208-KPN, 08-01874  
Cause: 42:1396 – Tort Negligence

Date Filed: 10/29/1998  
Date Terminated: 03/31/2010  
Jury Demand: None  
Nature of Suit: 440 Civil Rights: Other  
Jurisdiction: Federal Question

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*by her parents and legal guardians, Janes  
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**Plaintiff**

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*by his legal guardian, Linda Bock*

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**Plaintiff**

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*by his mother and legal guardian, Minnie  
Humphries*

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**Plaintiff**

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**Plaintiff**

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*by his next friend, Rob Fields*

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**Plaintiff**

**Timothy Raymond**  
*by his mother and legal guardian,*  
*Mariann Herk. On behalf of themselves*  
*and all others similarly situated*

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**Plaintiff**

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**Defendant**

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**Defendant**

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**Defendant**

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*TERMINATED: 11/04/2002*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Judith S. Yogman**  
(See above for address)  
*TERMINATED: 05/20/2003*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Kristi A. Bodin**  
(See above for address)  
*TERMINATED: 01/28/1999*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Peter T. Wechsler**  
(See above for address)  
*TERMINATED: 02/05/2003*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Rosemary S. Gale**  
(See above for address)  
*TERMINATED: 06/30/1999*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Thomas B. York**  
(See above for address)  
*TERMINATED: 06/17/2003*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**David A. Guberman**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Kenneth W. Salinger**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Gerald Morrissey**  
*Commissioner of the Department of  
Mental Retardation*

represented by **Ginny Sinkel**  
(See above for address)  
*TERMINATED: 06/17/2003*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**H. Gregory Williams**

(See above for address)  
*TERMINATED: 11/04/2002*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Judith S. Yogman**  
(See above for address)  
*TERMINATED: 05/20/2003*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Kristi A. Bodin**  
(See above for address)  
*TERMINATED: 01/28/1999*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Peter T. Wechsler**  
(See above for address)  
*TERMINATED: 02/05/2003*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Rosemary S. Gale**  
(See above for address)  
*TERMINATED: 06/30/1999*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Thomas B. York**  
(See above for address)  
*TERMINATED: 06/17/2003*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**William W. Porter**  
(See above for address)  
*TERMINATED: 03/11/2009*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**David A. Guberman**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Kenneth W. Salinger**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Elmer C. Bartels**  
*Commissioner of the Massachusetts*  
*Rehabilitation Commission*

represented by **Ginny Sinkel**  
(See above for address)  
*TERMINATED: 06/17/2003*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**H. Gregory Williams**  
(See above for address)  
*TERMINATED: 11/04/2002*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Judith S. Yogman**  
(See above for address)

*TERMINATED: 05/20/2003*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Kristi A. Bodin**  
(See above for address)  
*TERMINATED: 01/28/1999*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Peter T. Wechsler**  
(See above for address)  
*TERMINATED: 02/05/2003*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Rosemary S. Gale**  
(See above for address)  
*TERMINATED: 06/30/1999*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Thomas B. York**  
(See above for address)  
*TERMINATED: 06/17/2003*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**William W. Porter**  
(See above for address)  
*TERMINATED: 03/11/2009*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**David A. Guberman**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Kenneth W. Salinger**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Howard Koh**  
*Commissioner of the Department of  
Public Health*

represented by **Ginny Sinkel**  
(See above for address)  
*TERMINATED: 06/17/2003*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**H. Gregory Williams**  
(See above for address)  
*TERMINATED: 11/04/2002*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Judith S. Yogman**  
(See above for address)  
*TERMINATED: 05/20/2003*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Kristi A. Bodin**  
(See above for address)  
*TERMINATED: 01/28/1999*



*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Peter T. Wechsler**  
(See above for address)  
*TERMINATED: 02/05/2003  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Rosemary S. Gale**  
(See above for address)  
*TERMINATED: 06/30/1999  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Thomas B. York**  
(See above for address)  
*TERMINATED: 06/17/2003  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**William W. Porter**  
(See above for address)  
*TERMINATED: 03/11/2009  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**David A. Guberman**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Kenneth W. Salinger**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Teresa O'Hare**  
*Director of Region I for the Department  
of Mental Retardation, all in their official  
capacities*

represented by **Ginny Sinkel**  
(See above for address)  
*TERMINATED: 06/17/2003  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**H. Gregory Williams**  
(See above for address)  
*TERMINATED: 11/04/2002  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Judith S. Yogman**  
(See above for address)  
*TERMINATED: 05/20/2003  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Kristi A. Bodin**  
(See above for address)  
*TERMINATED: 01/28/1999  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Peter T. Wechsler**  
(See above for address)  
*TERMINATED: 02/05/2003  
LEAD ATTORNEY*

*ATTORNEY TO BE NOTICED*

**Rosemary S. Gale**  
(See above for address)  
*TERMINATED: 01/28/1999*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Thomas B. York**  
(See above for address)  
*TERMINATED: 06/17/2003*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**William W. Porter**  
(See above for address)  
*TERMINATED: 03/11/2009*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**David A. Guberman**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Kenneth W. Salinger**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Defendant**

**Deval Patrick**  
*Governor of Massachusetts*

represented by **David A. Guberman**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Deirdre Roney**  
(See above for address)  
*TERMINATED: 06/05/2008*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**William W. Porter**  
(See above for address)  
*TERMINATED: 03/11/2009*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Kenneth W. Salinger**  
(See above for address)  
*ATTORNEY TO BE NOTICED*

**Interested Party**

**Massachusetts Law Reform Institute**

represented by **Allan G. Rodgers**  
Massachusetts Law Reform Institute  
99 Chauncy Street  
Boston, MA 02111-1722  
617-357-0700  
Fax: 617-357-0777  
Email: [arodgers@mlri.org](mailto:arodgers@mlri.org)  
*TERMINATED: 06/17/2003*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Daniel S. Manning**  
Greater Boston Legal Services

197 Friend Street  
Boston, MA 02114  
617-603-1603  
Fax: 617-371-1222  
Email: [dmanning@gbls.org](mailto:dmanning@gbls.org)  
*TERMINATED: 06/17/2003*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**J. Paterson Rae**  
Center for Public Representation  
22 Green Street  
Northampton, MA 01060  
413-587-6265  
Fax: 413-586-5711  
Email: [prae@cpr-ma.org](mailto:prae@cpr-ma.org)  
*TERMINATED: 06/17/2003*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**James E. Breslauer**  
Neighborhood Legal Services, Inc.  
170 Common Street  
Suite 300  
Lawrence, MA 01840  
978-686-6900  
Fax: 978-685-2933  
Email: [jbreslauer@nlsma.org](mailto:jbreslauer@nlsma.org)  
*TERMINATED: 06/17/2003*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**John Reinstein**  
American Civil Liberties Union  
211 Congress Street  
Boston, MA 02110  
617-482-3170  
Fax: 617-451-0009  
Email: [reinstein@aclum.org](mailto:reinstein@aclum.org)  
*TERMINATED: 09/19/2001*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Phillip J. Kassel**  
South Coastal Counties Legal Services  
231 Main Street  
Suite 201  
Brockton, MA 02301  
508-586-2110  
Fax: 508-587-3222  
*TERMINATED: 06/17/2003*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Interested Party**

**American Civil Liberties Union of  
Massachusetts**

represented by **Allan G. Rodgers**  
(See above for address)  
*TERMINATED: 06/17/2003*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Daniel S. Manning**  
(See above for address)  
*TERMINATED: 06/17/2003*

*LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**J. Paterson Rae**  
(See above for address)  
*TERMINATED: 06/17/2003  
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ATTORNEY TO BE NOTICED*

**James E. Breslauer**  
(See above for address)  
*TERMINATED: 06/17/2003  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**John Reinstein**  
(See above for address)  
*TERMINATED: 09/19/2001  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Phillip J. Kassel**  
(See above for address)  
*TERMINATED: 06/17/2003  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Interested Party**

**Mass. Correct. Legal**

represented by **Allan G. Rodgers**  
(See above for address)  
*TERMINATED: 06/17/2003  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Daniel S. Manning**  
(See above for address)  
*TERMINATED: 06/17/2003  
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**J. Paterson Rae**  
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**James E. Breslauer**  
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**John Reinstein**  
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*TERMINATED: 09/19/2001  
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ATTORNEY TO BE NOTICED*

**Phillip J. Kassel**  
(See above for address)  
*TERMINATED: 06/17/2003  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED*

**Interested Party**

**Neighborhood Legal Services, Inc.**

represented by **Allan G. Rodgers**  
(See above for address)  
*TERMINATED: 06/17/2003*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Daniel S. Manning**  
(See above for address)  
*TERMINATED: 06/17/2003*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**J. Paterson Rae**  
(See above for address)  
*TERMINATED: 06/17/2003*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**James E. Breslauer**  
(See above for address)  
*TERMINATED: 06/17/2003*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**John Reinstein**  
(See above for address)  
*TERMINATED: 09/19/2001*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Phillip J. Kassel**  
(See above for address)  
*TERMINATED: 06/17/2003*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Interested Party**

**Western Massachusetts Legal Services, Inc.**

represented by **Allan G. Rodgers**  
(See above for address)  
*TERMINATED: 06/17/2003*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Daniel S. Manning**  
(See above for address)  
*TERMINATED: 06/17/2003*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**J. Paterson Rae**  
(See above for address)  
*TERMINATED: 06/17/2003*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**James E. Breslauer**  
(See above for address)  
*TERMINATED: 06/17/2003*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**John Reinstein**  
(See above for address)

*TERMINATED: 09/19/2001*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Phillip J. Kassel**  
 (See above for address)  
*TERMINATED: 06/17/2003*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Interested Party**

**Greater Boston Legal Services**

represented by **Allan G. Rodgers**  
 (See above for address)  
*TERMINATED: 06/17/2003*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Daniel S. Manning**  
 (See above for address)  
*TERMINATED: 06/17/2003*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**J. Paterson Rae**  
 (See above for address)  
*TERMINATED: 06/17/2003*  
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**James E. Breslauer**  
 (See above for address)  
*TERMINATED: 06/17/2003*  
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**John Reinstein**  
 (See above for address)  
*TERMINATED: 09/19/2001*  
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*ATTORNEY TO BE NOTICED*

**Phillip J. Kassel**  
 (See above for address)  
*TERMINATED: 06/17/2003*  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Interested Party**

**Lyn Rucker**

Date Filed	#	Docket Text
10/29/1998	1	Complaint filed. Case assigned to Judge: Kenneth P. Neiman. Receipt #: 303575. Amount: \$150.00. Fee Status: Paid. Mag/Judge Consent Form, LR 4.1, notice of lawsuit and waiver of service of summons to Counsel. (mef) (Entered: 10/29/1998)
10/29/1998	<u>2</u>	Ps' Motion for appointment of Robert Fields, Esquire as guardian ad litem for Margaret Pinette , a minor , filed. (mef) (Entered: 10/29/1998)
10/29/1998	3	P's Affidavit of of Matthew Engel , re: [2-1] motion for appointment of Robert Fields, Esquire as guardian ad litem for Margaret Pinette , a minor , filed. (mef) (Entered: 10/29/1998)

10/29/1998		Mag. Judge Kenneth P. Neiman . Endorsed Order entered denying, without prejudice [2-1] motion for appt. of Robert Fields, Esquire as guardian ad litem for Margaret Pinette a minor. Counsel shall first serve notice of the motion, together w/the Court's ruling upon Ms. Pinette's husband to give him an opportunity to resp. if he so wishes. Counsel shall provide certification to the Court of such service; cc/cl. (mef) (Entered: 10/29/1998)
11/19/1998	4	Ps' Consent to trial by Magistrate filed; cc/cl. for service on Ds. (fmr) (Entered: 11/19/1998)
11/25/1998	5	Motion by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond to certify class action filed. (fmr) (Entered: 11/25/1998)
11/25/1998	6	Memorandum by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond in support of [5-1] motion to certify class action filed. (fmr) (Entered: 11/25/1998)
12/02/1998	7	All parties having consented to the random assignment to Magistrate Judge Neiman, this case will remain before the Magistrate. (mef) (Entered: 12/03/1998)
12/02/1998	8	Motion by Argeo Paul Cellucci, Frederick A. Laskey, William D. O'Leary, Bruce M. Bullen, Gerald Morrissey, Elmer C. Bartels, Howard Koh, Teresa O'Hare to ext. time to 1/07/99 to resp. to the complaint , filed. (mef) (Entered: 12/03/1998)
12/08/1998	9	Notice of appearance of attorney for Argeo Paul Cellucci, Frederick A. Laskey, William D. O'Leary, Bruce M. Bullen, Gerald Morrissey, Elmer C. Bartels, Howard Koh, Teresa O'Hare by Kristi A. Bodin, filed. (mef) (Entered: 12/09/1998)
12/08/1998	10	Ds' Motion to ext. time to 12/11/98 to resp. to Ps' motion for class certification filed. (mef) (Entered: 12/09/1998)
12/09/1998		Mag. Judge Kenneth P. Neiman . Endorsed Order entered granting [10-1]; cc/cl. Ds' resp. to motion reset to 12/11/98 for [5-1] motion to certify class action. (mef) (Entered: 12/10/1998)
12/10/1998	11	Motion by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center for status conference , filed. (jcs) (Entered: 12/10/1998)
12/10/1998	12	Response by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center in opposition to [10-1] motion to ext. time to 12/11/98 to resp. to Ps' motion for class certification , filed. (jcs) (Entered: 12/10/1998)
12/11/1998	13	Ps' Response in opposition to [10-1] motion to ext. time to resp. to motion for class cert. filed. (fmr) (Entered: 12/11/1998)
12/11/1998	14	Ps' Motion for status conf. filed. (fmr) (Entered: 12/11/1998)
12/14/1998	15	Motion by Margaret Pinette for appointment of Robert Fields as guardian ad litem for Margaret Pinette filed. (fmr) (Entered: 12/14/1998)
12/14/1998	16	Affidavit of Matthew Engel re: [15-1] motion for appointment of Robert Fields as guardian ad litem for Margaret Pinette filed. (fmr) (Entered: 12/14/1998)
12/14/1998		Mag. Judge Kenneth P. Neiman. Endorsed Order granting [10-1] motion to ext. time to 12/11/98 to resp. to Ps' motion for class certification ENTERED, cc:cl. Response to motion reset to 12/18/98 for [5-1] motion to certify class action . (bah) (Entered: 12/14/1998)
12/15/1998	17	Ps' Motion for leave to file reply brief re: their motion for class certification and for a Hearing filed. (mef) (Entered: 12/15/1998)
12/15/1998		Mag. Judge Kenneth P. Neiman. Endorsed Order granting [17-1] motion for leave to file reply brief re: motion for class certification and for hearing ENTERED, cc:cl. (bah) (Entered: 12/16/1998)
12/16/1998		Mag. Judge Kenneth P. Neiman. Endorsed Order granting [14-1] motion for status conf. ENTERED, cc:cl. (bah) (Entered: 12/16/1998)

12/16/1998	18	Mag. Judge Kenneth P. Neiman. Order setting status conference for 11:00 on 1/6/99 before Mag. Judge Kenneth P. Neiman ENTERED, cc:cl. (bah) (Entered: 12/16/1998)
12/17/1998		Terminated document: [11-1] motion for status conference Requested by bah. (pleading is a duplicate of [14-1]) (bah) (Entered: 12/17/1998)
12/18/1998		Mag. Judge Kenneth P. Neiman. Endorsed Order granting [8-1] motion to ext. time to 1/07/99 to resp. to the complaint ENTERED, cc:cl. "Allowed, provided, however, that the response be filed by JANUARY 5, 1999." reset answer due for 1/5/99 for Teresa O'Hare, Howard Koh, Elmer C. Bartels, Gerald Morrissey, Bruce M. Bullen, William D. O'Leary, Frederick A. Laskey, Argeo Paul Cellucci . (bah) (Entered: 12/18/1998)
12/19/1998	19	Response by Argeo Paul Cellucci, Frederick A. Laskey, William D. O'Leary, Bruce M. Bullen, Gerald Morrissey, Elmer C. Bartels, Howard Koh, Teresa O'Hare in opposition to [5-1] motion to certify class action , filed. (jcs) (Entered: 12/21/1998)
12/22/1998	20	Notice of appearance of attorney for Argeo Paul Cellucci, Frederick A. Laskey, William D. O'Leary, Bruce M. Bullen, Gerald Morrissey, Elmer C. Bartels, Howard Koh, Teresa O'Hare by Rosemary S. Gale filed. (fmr) (Entered: 12/22/1998)
12/24/1998	21	Ps' Reply to response to [5-1] motion to certify class action filed. (fmr) (Entered: 12/28/1998)
12/24/1998	22	Ps' Revised Exh. 2 to [5-1] motion to certify class filed. (fmr) (Entered: 12/28/1998)
12/30/1998	23	Motion by Argeo Paul Cellucci, Frederick A. Laskey, William D. O'Leary, Bruce M. Bullen, Gerald Morrissey, Elmer C. Bartels, Howard Koh, Teresa O'Hare to extend time to 1/12/99 to file response to complaint and to continue scheduling conference , filed. (bah) (Entered: 12/31/1998)
12/31/1998	24	Notice of appearance of attorney for Argeo Paul Cellucci, Frederick A. Laskey, William D. O'Leary, Bruce M. Bullen, Gerald Morrissey, Elmer C. Bartels, Howard Koh, Teresa O'Hare by Judith S. Yogman, filed. (bah) (Entered: 12/31/1998)
12/31/1998	25	Response by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center in opposition to [23-1] motion to extend time to 1/12/99 to file response to complaint and to continue scheduling conference filed, c/s. (bah) (Entered: 12/31/1998)
12/31/1998		Mag. Judge Kenneth P. Neiman. Endorsed Order granting [23-1] motion to extend time to 1/12/99 to file response to complaint, denying [23-2] motion to continue scheduling conference, ENTERED, cc:cl. reset answer due for 1/12/99 for Teresa O'Hare, for Howard Koh, for Elmer C. Bartels, for Gerald Morrissey, for Bruce M. Bullen, for William D. O'Leary, for Frederick A. Laskey, for Argeo Paul Cellucci . (bah) (Entered: 12/31/1998)
01/06/1999	26	Motion by Argeo Paul Cellucci, Frederick A. Laskey, William D. O'Leary, Bruce M. Bullen, Gerald Morrissey, Elmer C. Bartels, Howard Koh, Teresa O'Hare to stay discovery pending ruling on motion for class certification and motion to dismiss complaint , filed, c/s. (bah) (Entered: 01/06/1999)
01/06/1999	27	Parties' Joint statement for scheduling conference . (jcs) (Entered: 01/06/1999)
01/06/1999	28	Mag. Judge Kenneth P. Neiman. Clerk's Notes re: status and scheduling conf. Order to issue. Court Reporter: tape (bah) (Entered: 01/06/1999)
01/06/1999		Mag. Judge Kenneth P. Neiman. Endorsed Order granting [15-1] motion for appointment of Robert Fields as guardian ad litem for Margaret Pinette ENTERED, cc:cl. (bah) (Entered: 01/07/1999)
01/07/1999	29	Mag. Judge Kenneth P. Neiman. Order On Revised Limitation of Discovery Events ENTERED, cc:cl. (bah) (Entered: 01/08/1999)



01/07/1999	30	Mag. Judge Kenneth P. Neiman. Scheduling Order hrg on motion for P/I and case mgmt conf set for 10:00 3/11/99; hrg on motion for class cert. set for 1/13/99 at 2:00 p.m.; disc re: spec. services closes 2/22/99; Expert witness list due on 2/15/99 motion for P/I due 2/12/99; response due 2/26/99; reply due 3/5/99; ENTERED, cc:cl. See order for further deadlines. (bah) (Entered: 01/08/1999)
01/08/1999	31	Response by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center in opposition to [26-1] motion to stay discovery pending ruling on motion for class certification and motion to dismiss complaint , filed. (bah) (Entered: 01/08/1999)
01/12/1999	32	Mag. Judge Kenneth P. Neiman. Protective Order Re: Discovery ENTERED, cc:cl. (bah) (Entered: 01/13/1999)
01/13/1999	33	Motion by Argeo Paul Cellucci, Frederick A. Laskey, William D. O'Leary, Bruce M. Bullen, Gerald Morrissey, Elmer C. Bartels, Howard Koh, Teresa O'Hare to dismiss filed. (fmr) (Entered: 01/13/1999)
01/13/1999	34	Stipulated Motion by Argeo Paul Cellucci, Frederick A. Laskey, William D. O'Leary, Bruce M. Bullen, Gerald Morrissey, Elmer C. Bartels, Howard Koh, Teresa O'Hare for leave to file brief in excess of limit filed. (fmr) (Entered: 01/13/1999)
01/13/1999	35	Ps' Motion by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center to ext. time to 2/12/99 to oppose Ds' motion to dismiss filed. (mef) (Entered: 01/13/1999)
01/13/1999	36	Mag. Judge Kenneth P. Neiman. Clerk's Notes re: hearing on [5-1] motion to certify class action. Arguments heard. Matter taken under advisement. Revised scheduling order issued. Pltfs to file recommendation re: class definition by close of business 1/19/99. If Defts do not agree to definition, they shall file their own rec. re: class by same date. Order to issue. Court Reporter: tape (bah) (Entered: 01/13/1999)
01/13/1999		Mag. Judge Kenneth P. Neiman . Endorsed Order entered granting [34-1] motion for leave to file brief in excess of limit; cc/cl. (mef) (Entered: 01/14/1999)
01/13/1999		Mag. Judge Kenneth P. Neiman . Endorsed Order entered granting [35-1] motion to ext. time to 2/12/99 to oppose Ds' motion to dismiss; cc/cl. (mef) (Entered: 01/14/1999)
01/13/1999	37	Memorandum by Argeo Paul Cellucci, Frederick A. Laskey, William D. O'Leary, Bruce M. Bullen, Gerald Morrissey, C. Bartels, Howard Koh, Teresa O'Hare in support of [33-1] motion to dismiss , filed. (mef) (Entered: 01/14/1999)
01/13/1999	38	Mag. Judge Kenneth P. Neiman. Revised Scheudling Order entered. Motion hearing before Mag. Judge Kenneth P. Neiman set for 2:00 P.M. on 2/19/99 for [33-1] motion to dismiss. P.I. on Specialized Service Deadlines: Ps' Expert witness list due on 1/25/99, Ds' due on 2/19/99. Expert reports to be completed ten days after completion of the tour described in parties' Joint Discovery Plan, but no later than 3/01/99. All fact depos. to be completed by 3/01/99. All req. for production of docs. and req. for ints. to be served by 1/28/99, responses by 2/28/99. All expert depos. and discovery re: motion for P.I. on Specialized Services to close on 3/08/99. Set Ps' motion for P.I. due 2/12/99. Ds' resp. to motion by 2/26/99. Ps' reply memorandum by 3/05/99. Evidentiary hearing on motion for P.I. and case management conf. set for 3/11/99 at 10:00 A.M. and to cont. through 3/12/99. P.I. re: Community Placement Recommendation deadlines: Parties to identify their experts by 2/19/99. Expert reports to be completed ten days after completion of the tour described in parties' Joint Discovery Plan, but no later than 3/25/99. All fact depos. to be completed by 3/22/99, req. for production of docs and req. for ints. to be served by 1/28/99, responses by 2/28/99. Expert depos. to be completed by 4/08/99. Discovery re: Motion for P.I. on Community Placement Recommendations to close by 4/15/99. Req. for admissions to be served by 4/05/99, responses by 4/15/99. (mef) (Entered: 01/14/1999)

01/19/1999		Mag. Judge Kenneth P. Neiman. Endorsed Order denying [26-1] motion to stay discovery pending ruling on motion for class certification and motion to dismiss complaint ENTERED, cc:cl. "Denied, provided that Plaintiffs shall limit the scope of their discovery as proposed in their opposition (Docket No. 31) at pp. 4-5, Para A and B. So ordered." (bah) (Entered: 01/20/1999)
01/20/1999	39	Memorandum by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center in support of [5-1] motion to certify class action, filed. (bah) (Entered: 01/20/1999)
01/21/1999	40	Response by Argeo Paul Cellucci, Frederick A. Laskey, William D. O'Leary, Bruce M. Bullen, Gerald Morrissey, C. Bartels, Howard Koh, Teresa O'Hare to [39-1] memorandum re: [5-1] motion to certify class action, filed. (bah) (Entered: 01/21/1999)
01/27/1999	41	Amended complaint by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center filed. (Answer due 2/6/99 for Teresa O'Hare, for Howard Koh, Elmer C. Bartels, Gerald Morrissey, Bruce M. William D. O'Leary, Frederick A. Laskey, Argeo Paul Cellucci). Amended complaint amends [1-1] complaint. (sealed) (Entered: 01/27/1999)
01/28/1999	42	Notice of withdrawal of counsel for Ds. O'Hare, Koh, Bartels, Morrissey, Bullen, O'Leary, Laskey and Cellucci filed by Kristi A. Bodin. (fmr) (Entered: 01/28/1999)
01/28/1999	43	Notice of appearance of attorney for Cellucci, Laskey, O'Leary, Bullen, Morrissey, Bartels, Koh, O'Hare by H. Gregory Williams filed. (fmr) (Entered: 01/28/1999)
01/28/1999	44	Ds' Motion for clarification of endorsed order of 1/19/99 filed. (fmr) (Entered: 01/28/1999)
02/01/1999	45	Ps' Resp. in objection to Ds' [40-1] opposition response (Proposed Class Definition) filed. (mef) (Entered: 02/01/1999)
02/01/1999		Mag. Judge Kenneth P. Neiman . Endorsed Order entered granting [44-1] motion for clarification of endorsed order of 1/19/99; cc/cl. (mef) (Entered: 02/02/1999)
02/01/1999	46	Mag. Judge Kenneth P. Neiman. Order entered. The Court's Order of 1/19/99, is revised. The Deft's motion to stay discovery pending ruling on motion for class certification and motion to dismiss complaint - [26-1] is DENIED, provided Pltfs' shall limit the scope of their discovery as proposed in Exhibit 2 attached to their opposition - [31-1] and shall afford the Defts. the Governor of Mass. and the Secretary of Administration and Finance an additional thirty (30) days, until 2/28/99, to resp. to the revised document production request; cc/cl. (mef) (Entered: 02/02/1999)
02/01/1999		Tele-conference held . (mef) (Entered: 02/03/1999)
02/02/1999	47	Mag. Judge Kenneth P. Neiman. Partial Scheduling Order Revision entered. Set Ps' motion for P.I. filing deadline for 2/19/99. Ds' resp. to motion due by 3/05/99. Evidentiary hearing will go forward as scheduled at 10:00 A.M. on 3/11/99; cc/cl. (mef) (Entered: 02/02/1999)
02/02/1999	<u>48</u>	Mag. Judge Kenneth P. Neiman . Memorandum and Order entered. Ps' motion for class certification, as amended - [5-1] is ALLOWED; cc/cl. (mef) Additional attachment(s) added on 7/5/2007 (Lindsay, Maurice). (Entered: 02/02/1999)
02/02/1999	49	Mag. Judge Kenneth P. Neiman. Order of Class Certification entered; cc/cl. (mef) (Entered: 02/02/1999)
02/02/1999	50	Mag. Judge Kenneth P. Neiman . Clerk's Notes: re: Telephone conference held on 2/01/99 to resolve several discovery disputes. Court Reporter: Tape. (mef) (Entered: 02/03/1999)
02/05/1999	51	Stipulated Ds' Motion to extend time to 2/17/99 to answer amended complaint filed. (fmr) (Entered: 02/05/1999)

02/05/1999		Mag. Judge Kenneth P. Neiman. Endorsed Order granting [51-1] motion to extend time to 2/17/99 to answer amended complaint ENTERED, cc:cl. reset answer due for 2/17/99 for Teresa O'Hare, Howard Koh, Elmer C. Bartels, Gerald Morrissey, Bruce M. Bullen, William D. O'Leary, Frederick A. Laskey, Argeo Paul Cellucci . (bah) (Entered: 02/05/1999)
02/12/1999	52	Assented to Motion by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center for leave to file brief in excess of 20 pages , filed, c/s. (bah) (Entered: 02/12/1999)
02/12/1999	53	Motion by Argeo Paul Cellucci, Frederick A. Laskey, William D. O'Leary, Bruce M. Bullen, Gerald Morrissey, Elmer C. Bartels, Howard Koh, Teresa O'Hare to stay class-wide discovery and claims for class-wide relief pending appeal , filed. (bah) (Entered: 02/12/1999)
02/16/1999		Mag. Judge Kenneth P. Neiman. Endorsed Order granting [52-1] motion for leave to file brief in excess of 20 pages ENTERED, cc:cl. (bah) (Entered: 02/16/1999)
02/16/1999	54	Response by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center in opposition to [33-1] motion to dismiss, filed, c/s. (bah) (Entered: 02/16/1999)
02/17/1999	55	Motion by Argeo Paul Cellucci, Frederick A. Laskey, William D. O'Leary, Bruce M. Bullen, Gerald Morrissey, Elmer C. Bartels, Howard Koh, Teresa O'Hare to dismiss amended complaint filed. (fmr) (Entered: 02/17/1999)
02/17/1999	56	Memorandum by Argeo Paul Cellucci, Frederick A. Laskey, William D. O'Leary, Bruce M. Bullen, Gerald Morrissey, Elmer C. Bartels, Howard Koh, Teresa O'Hare in support of [55-1] motion to dismiss amended complaint filed. (fmr) (Entered: 02/17/1999)
02/17/1999	56	Reply by Argeo Paul Cellucci, Frederick A. Laskey, William D. O'Leary, Bruce M. Bullen, Gerald Morrissey, Elmer C. Bartels, Howard Koh, Teresa O'Hare to response to [33-1] motion to dismiss original complaint filed. (fmr) (Entered: 02/17/1999)
02/19/1999	57	Ps' Memorandum in opposition to [53-1] motion to stay class-wide discovery and claims pending appeal filed. (fmr) (Entered: 02/19/1999)
02/19/1999	58	Motion for preliminary injunction , filed. (jcs) (Entered: 02/19/1999)
02/19/1999	59	Pltfs'. motion for leave to file memo. in excess of 20 pages , filed (assented to) (jcs) (Entered: 02/19/1999)
02/19/1999	60	Pltfs'. Appendix/exhibits in support of [58-1] motion for preliminary injunction , filed. (8 volumes) (jcs) (Entered: 02/19/1999)
02/19/1999	61	Mag. Judge Kenneth P. Neiman. Clerk's Notes re: hearing on [53-1] motion to stay class-wide discovery and claims for class-wide relief pending appeal and [33-1] motion to dismiss. Arguments heard. Matter taken under advisement Court Reporter: tape (bah) (Entered: 02/19/1999)
02/22/1999	62	Mag. Judge Kenneth P. Neiman. Memorandum and Order denying [53-1] motion to stay class-wide discovery and claims for class-wide relief pending appeal ENTERED, cc:cl. (bah) (Entered: 02/23/1999)
02/26/1999	63	Motion by Argeo Paul Cellucci, Frederick A. Laskey, William D. O'Leary, Bruce M. Bullen, Gerald Morrissey, Elmer C. Bartels, Howard Koh, Teresa O'Hare for two week continuance of hearing on preliminary injunction regarding specialized services filed. (bah) (Entered: 02/26/1999)
03/01/1999	64	Response by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center in opposition to [63-1] motion for two week continuance of hearing on preliminary injunction regarding specialized services filed. , filed. (bah) (Entered: 03/01/1999)

03/01/1999		Mag. Judge Kenneth P. Neiman. Endorsed Order granting in part, denying in part [63-1] motion for two continuance of hearing on preliminary injunction regarding specialized services ENTERED, cc:cl. "ALLOWED as follows: Defendants' response to Plaintiffs' preliminary injunction motion is due on March 8, 1999, and Defendants' written response to Plaintiffs' outstanding discovery requests are to be in Plaintiffs' counsels' possession by March 5, 1999. In all other respects, the motion is DENIED. In accord with para. 7 of Plaintiffs opposition, the court will hold a telephone conference on March 9, 1999 at 2:00 p.m. Prior to that time, the parties shall make every effort to stipulate to facts and documents and shall jointly propose a methodology for the hearing. So ordered." (bah) (Entered: 03/01/1999)
03/02/1999	65	Ps' Response in opposition to [63-1] motion to continue motion hearing filed. (duplicate of [64-1] response) (fmr) Modified on 03/02/1999 (Entered: 03/02/1999)
03/04/1999	66	Ps' Motion to compel production of docs. filed. (fmr) (Entered: 03/04/1999)
03/08/1999	67	Ds' Memorandum in opposition to [58-1] motion for preliminary injunction filed. (fmr) (Entered: 03/09/1999)
03/09/1999		Mag. Judge Kenneth P. Neiman. Endorsed Order granting [59-1] motion for leave to file memo. in excess of 20 pages ENTERED, cc:cl. (bah) (Entered: 03/09/1999)
03/09/1999	68	Memorandum by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center in support of [58-1] motion for preliminary injunction, filed, c/s. (bah) (Entered: 03/09/1999)
03/09/1999		Tele-conference held . (mef) (Entered: 03/10/1999)
03/09/1999	69	Mag. Judge Kenneth P. Neiman. Clerk's Notes: Telephone Conf. with counsel re: preparation for 3/11/99, 3/12/99 Evidentiary hearing on Ps' motion for preliminary injunction. Schedule set by phone for filing of further pleadings. Court Reporter: Tape. (mef) (Entered: 03/10/1999)
03/11/1999		Approval of Settlement Agreement hearing held. (mef) (Entered: 03/11/1999)
03/11/1999	70	Mag. Judge Kenneth P. Neiman. Clerk's Notes: re: Counsel appear for approval of settlement agreement hearing with respect to specialized services component of Ps' motion for P.I. and for scheduling. Agreement approved. Counsel shall jointly propose to the Court a notice to the class by and a joint proposal re: discovery schedule filed by 3/19/99. Court expects P.I. hearing at some point between late July and early September, 1999. Set scheduling conf. for 11:00 A.M. on 3/29/99. Court Reporter: Tape. (mef) (Entered: 03/11/1999)
03/11/1999		Mag. Judge Kenneth P. Neiman. Endorsed Order withdrawing portion of [58-1] motion for preliminary injunction, ENTERED, cc:cl. "Prayer in paragraph 1 on page 6 WITHDRAWN at request of Plaintiffs." (bah) (Entered: 03/11/1999)
03/11/1999	71	Agreement in Lieu of a Preliminary Injunction Regarding Provision of Specialized Services executed by all parties, filed. (bah) (Entered: 03/11/1999)
03/11/1999		Mag. Judge Kenneth P. Neiman. Endorsement approving [71-1] Agreement in Lieu of Preliminary Injunction Regarding Provision of Specialized Services ENTERED, cc:cl. (bah) (Entered: 03/11/1999)
03/22/1999	72	Letter from AAG Gale dated 3/19/99 to Dep. Clerk Healey enclosing proposed notice re specialized services and Ds' proposed schedule filed. (fmr) (Entered: 03/22/1999)
03/23/1999	73	Letter by Steven J. Schwartz dated 3/22/99 to Dep. Clerk Healey enclosing corrected revised discovery schedule filed. (fmr) (Entered: 03/23/1999)
03/25/1999		Mag. Judge Kenneth P. Neiman. Endorsed Order regarding [72-1] letter ENTERED, cc:cl. "The jointly proposed notice shall be sent as proposed by Defendants- to those class members affected by the parties' agreement, as well as those individuals identified by future PASARR reports as needing specialized services. So ordered." (bah) (Entered: 03/25/1999)

03/29/1999	74	Mag. Judge Kenneth P. Neiman. Clerk's Notes re: scheduling conference. Order to issue. Court Reporter: tape (bah) (Entered: 03/30/1999)
03/30/1999	75	Mag. Judge Kenneth P. Neiman. Scheduling Order setting depos. completed by 8/31/99; half of expert witness list due on 7/9/99; remaining half due 7/30/99; written disc. requests served by 5/4/99; Jury Trial Set for 9:00 on 11/1/99; motions for S/J due 9/15/99 with responses by 9/30/99; joint pretrial memo due 10/15/99; final pretrial conf. at 2:00 on 10/20/99 trial briefs and prop. finding of facts due 10/27/99, ENTERED, cc:cl. (bah) (Entered: 03/31/1999)
03/30/1999	76	Mag. Judge Kenneth P. Neiman. Procedural Order setting Pretrial Conference for 2:00 on 10/20/99 ENTERED, cc:cl. (bah) (Entered: 03/31/1999)
04/01/1999	77	Ps' Motion to produce nursing facility records of class members filed. (fmr) (Entered: 04/01/1999)
04/01/1999	78	Ps' Memorandum in support of [77-1] motion to produce nursing facility records of class members filed. (fmr) (Entered: 04/01/1999)
04/07/1999	79	Ps' Motion to compel production of docs. filed. (fmr) (Entered: 04/07/1999)
04/07/1999	80	Ps' Memorandum in support of [79-1] motion to compel production of docs. filed. (fmr) (Entered: 04/07/1999)
04/12/1999	81	Corrected Ps' Memorandum in support of [79-1] motion to compel production of docs. filed. (fmr) (Entered: 04/12/1999)
04/13/1999	82	Letter by AAG Rosemary S. Gale on behalf of Ds. dated: 4/1/2/99 to: Dep. Clerk Healy enclosing copy of decision in Hertz v. Morton filed. (fmr) (Entered: 04/13/1999)
04/14/1999	83	Ds' Memorandum in opposition to [77-1] motion to produce nursing facility records of class members filed. (fmr) (Entered: 04/14/1999)
04/15/1999	84	Stipulated Ds'Motion to extend time to 4/30/99 to resp. to motion to compel filed. (fmr) (Entered: 04/15/1999)
04/20/1999		Mag. Judge Kenneth P. Neiman. Endorsed Order granting [84-1] motion to extend time to 4/30/99 to resp. motion to compel ENTERED, cc:cl. Response to motion reset to 4/30/99 for [79-1] motion to compel production of docs. . (bah) (Entered: 04/21/1999)
04/29/1999	85	Mag. Judge Kenneth P. Neiman. Memorandum and Order denying [77-1] motion to produce nursing facility records of class members ENTERED, cc:cl. (bah) (Entered: 04/30/1999)
04/30/1999	86	Resp. by Argeo Paul Cellucci, Frederick A. Laskey, William D. O'Leary, Bruce M. Bullen, Gerald Morrissey, C. Bartels, Howard Koh, Teresa O'Hare in opposition to [79-1] motion to compel production of docs. , filed. (mef) (Entered: 05/03/1999)
05/04/1999	87	Ps' Motion to strike letter by Atty. Kenneth A. Behar dated 4/21/99 to Hon. Kenneth P. Neiman filed. (fmr) (Entered: 05/04/1999)
05/04/1999		Text not available. (Entered: 05/05/1999)
05/04/1999		Mag. Judge Kenneth P. Neiman. Endorsed Order mooting [87-1] motion to strike 4/21/99 letter by Atty. Kenneth A. Behar to Hon. Kenneth P. Neiman ENTERED, cc:cl. "The court deems this motion MOOT. When issuing its ruling on Plaintiffs' Motion For Access to Nursing Facility Records on April 29, 1999, the court was unaware of the subject letter." (bah) (Entered: 05/05/1999)
05/06/1999	88	Ps' Motion for leave to file reply brief re motion to compel filed. (fmr) (Entered: 05/06/1999)
05/10/1999		Mag. Judge Kenneth P. Neiman . Endorsed Order entered granting [88-1] motion for leave to file reply brief re motion to compel; cc/cl. (mef) (Entered: 05/10/1999)
05/10/1999	89	Ps' Reply to Ds' opp. to [79-1] motion to compel production of docs. , filed. (mef) (Entered: 05/10/1999)

06/01/1999	90	Ps' Motion to compel access to Ds' facilities filed. (fmr) (Entered: 06/01/1999)
06/01/1999	91	Ps' Memorandum in support of [90-1] motion to compel access to Ds' facilities filed. (fmr) (Entered: 06/01/1999)
06/03/1999	92	Resp. by Frederick A. Laskey, William D. O'Leary, Bruce M. Bullen, Gerald Morrissey, Elmer C. Bartels, Howard Koh, Teresa O'Hare in opposition to [90-1] motion to compel access to Ds' facilities , filed. (mef) (Entered: 06/03/1999)
06/04/1999	93	Mag. Judge Kenneth P. Neiman. Clerk's Notes re: hearing on [90-1] motion to compel access to Ds' facilities, [79-1] motion to compel production of docs., and [66-1] motion to compel production of docs. Arguments heard. Order to issue. Court Reporter: tape (bah) (Entered: 06/04/1999)
06/04/1999		Mag. Judge Kenneth P. Neiman. Endorsed Order withdrawing [66-1] motion to compel production of docs. ENTERED, cc:cl. "Withdrawn as moot by counsel." [EOD Date 6/4/99] (bah) (Entered: 06/04/1999)
06/04/1999		Mag. Judge Kenneth P. Neiman. Endorsed Order granting in part [90-1] motion to compel access to Ds' facilities ENTERED, cc:cl. "ALLOWED subject to conditions set forth in para 6(a),(b) and (e), provided further that Ms. Jones shall be accompanied by one attorney for Plaintiffs and one attorney for Defendants, unless otherwise agreed; and provided further that residents may not be approached for conversation in their private living areas. So Ordered." [EOD Date 6/4/99] (bah) (Entered: 06/04/1999)
06/04/1999		Mag. Judge Kenneth P. Neiman. Endorsed Order granting in part [79-1] motion to compel production of docs. ENTERED, cc:cl. "ALLOWED as follows: 1. Defendants noeed not disclose lawyer to lawyer communications between Defendant agencies; 2. Defendants need not disclose any parts of documents which contain attorney mental impressions relating to this litigation; 3. Defendants shall disclose documents dated prior to April 29, 1998; 4. Defendant shall review documents cited on page 4 of Plaintiffs' brief -- as described by the court; and 5. By June 11, 1999, Defendants shall provide a revised log identifying the subject matter of withheld documents and the basis of their claim, if any, that the disclosure thereof has not been waived in light of prior disclosures of documents." [EOD Date 6/4/99] (bah) (Entered: 06/04/1999)
06/04/1999	94	Mag. Judge Kenneth P. Neiman . Memorandum and Order entered. The Court DENIES the Defts' motion to dismiss the amended complaint - [55-1] and MOOTS the Defts' motion to dismiss the complaint - [33-1]; cc/cl. Entered on Date: [6/7/99]. (mef) (Entered: 06/07/1999)
06/24/1999	95	Motion by Argeo Paul Cellucci, Frederick A. Laskey, William D. O'Leary, Bruce M. Bullen, Gerald Morrissey, Elmer C. Bartels, Howard Koh, Teresa O'Hare to extend time to July 22, 1999 to file answer , filed, c/s. (bah) (Entered: 06/24/1999)
06/25/1999	96	Notice of appearance of attorney for Argeo Paul Cellucci, Frederick A. Laskey, William D. O'Leary, Bruce M. Bullen, Gerald Morrissey, Elmer C. Bartels, Howard Koh, Teresa O'Hare by Peter T. Wechsler and Ginny Sinkel, filed, c/s. (bah) (Entered: 06/25/1999)
06/25/1999		Mag. Judge Kenneth P. Neiman. Endorsed Order granting [95-1] motion to extend time to July 22, 1999 to file answer ENTERED, cc:cl. reset answer due for 7/22/99 for Teresa O'Hare, for Howard Koh, for Elmer C. Bartels, for Gerald Morrissey, for Bruce M. Bullen, for William D. O'Leary, for Frederick A. Laskey, for Argeo Paul Cellucci [EOD Date 6/25/99] (bah) (Entered: 06/25/1999)
06/30/1999	97	Transcript of Hearing held on proceeding date: 6/04/99 before Judge: Kenneth P. Neiman filed. Court Reporter: Tape. (mef) (Entered: 06/30/1999)
06/30/1999	98	Notice of withdrawal of counsel by attorney Rosemary S. Gale for Howard Koh, Elmer C. Bartels, Gerald Morrissey, Bruce M. Bullen, William D. O'Leary, Frederick A. Laskey, Argeo Paul Cellucci filed. (fmr) (Entered: 06/30/1999)
07/23/1999	99	Ds' Answer to amended complaint filed. (fmr) (Entered: 07/23/1999)

08/05/1999	100	Ps' Motion to determine sufficiency of Ds' resp. to request for admissions filed. (fmr) (Entered: 08/05/1999)
08/05/1999	101	Ps' Memorandum in support of [100-1] motion to determine sufficiency of Ds' resp. to request for admissions filed. (fmr) (Entered: 08/05/1999)
08/13/1999	102	Ds' Memorandum in opposition to [100-1] motion to determine sufficiency of resp. to request for admissions filed. (fmr) (Entered: 08/13/1999)
08/27/1999		Mag. Judge Kenneth P. Neiman. Endorsed Order granting in part, denying in part [100-1] motion to determine sufficiency of Ds' answers, ENTERED, cc:cl. "ALLOWED as follows: Defendants shall forthwith supplement their responses to requests 15 And 26. In all other respects, the motion is DENIED." [EOD Date 8/27/99] (bah) (Entered: 08/27/1999)
09/10/1999	103	Ds' Motion to extend time to 9/22/99 to file motion for S/J filed. (fmr) (Entered: 09/10/1999)
09/10/1999		Mag. Judge Kenneth P. Neiman . Endorsed Order entered granting [103-1] motion to extend time to 9/22/99 to file motion for S/J, reset motion filing deadline for 9/22/99 . [EOD Date 9/10/99] (jcs) (Entered: 09/10/1999)
09/22/1999	104	Motion by Argeo Paul Cellucci, Frederick A. Laskey, William D. O'Leary, Bruce M. Bullen, Gerald Morrissey, Elmer C. Bartels, Howard Koh, Teresa O'Hare for summary judgment , filed. (jcs) (Entered: 09/23/1999)
09/22/1999	105	Motion by Argeo Paul Cellucci, Frederick A. Laskey, William D. O'Leary, Bruce M. Bullen, Gerald Morrissey, Elmer C. Bartels, Howard Koh, Teresa O'Hare for leave to file memo in excess of 20 pages , filed. (jcs) (Entered: 09/23/1999)
09/23/1999	106	Ds' Motion for summary judgment filed. (fmr) (Entered: 09/23/1999)
09/23/1999	107	Ds' Motion for leave to file brief in excess of limit filed. (fmr) (Entered: 09/23/1999)
09/23/1999	108	Ps' Motion to modify discovery schedule filed. (fmr) (Entered: 09/23/1999)
09/23/1999	109	Ps' Memorandum in support of [108-1] motion to modify discovery schedule filed. (fmr) (Entered: 09/23/1999)
09/27/1999		Mag. Judge Kenneth P. Neiman . Endorsed Order entered granting [107-1] motion for leave to file brief in excess of limit; cc/cl. [EOD Date 9/27/99] (mef) (Entered: 09/27/1999)
09/27/1999	110	Ds' Memorandum in support of [106-1] motion for S/J filed. (mef) Modified on 10/01/1999 (Entered: 09/27/1999)
09/28/1999	111	Ps' Motion to extend time to 10/13/99 to oppose S/J filed.(fmr) Modified on 10/01/1999 (Entered: 09/28/1999)
09/29/1999	112	Ds' Memorandum in partial opposition to [108-1] motion to modify discovery schedule filed. (fmr) Modified on 10/01/1999 (Entered: 09/29/1999)
10/01/1999		Mag. Judge Kenneth P. Neiman. Endorsed Order granting in part, denying in part [108-1] motion to modify discovery schedule, ENTERED, cc:cl. "ALLOWED as follows: Plaintiffs shall be permitted to take one additional deposition of Laurence Tummino, of no more than four hours prior to October 15, 1999, with respect to the implementation and interpretation of Policy # 99-6. In all respects, the motion is denied. See Whittingham v. Amherst Colelge, 163 F.R.D. 170 (D. Mass. 1995)(need to specify both the number of additional depositions and the specific individual sought to be deposed.) [EOD Date 10/1/99] (bah) (Entered: 10/01/1999)
10/01/1999		Mag. Judge Kenneth P. Neiman. Endorsed Order granting [111-1] motion to extend time to 10/13/99 to S/J, ENTERED, cc:cl. [EOD Date 10/1/99] (bah) (Entered: 10/01/1999)
10/07/1999	113	Joint motion by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center, Argeo Paul Cellucci, Frederick A. Laskey, William D. O'Leary, Bruce M. Bullen, Gerald Morrissey, Elmer C. Bartels, Howard Koh, Teresa O'Hare to extend

		provisions of [75-1] Scheduling order , filed. . (bah) (Entered: 10/07/1999)
10/08/1999		Mag. Judge Kenneth P. Neiman . Endorsed Order entered granting [113-1] joint motion to extend provisions of [75-1] Scheduling order, Response to motion reset to 10/20/99 for [104-1] motion for summary judgment , reset pretrial conference for 11:00 10/27/99 , , set case management conference for 2:00 10/20/99 , reset discovery due(Larry Tumino's depositions) for 10/22/99 . [EOD Date 10/8/99] (jcs) (Entered: 10/08/1999)
10/20/1999	114	Mag. Judge Kenneth P. Neiman. Clerk's Notes re: case management conference. Settlement agreement filed with the court. Scheduling order to issue. Court Reporter: tape (bah) (Entered: 10/27/1999)
10/20/1999	116	Settlement Agreement by the parties. (bah) (Entered: 10/27/1999)
10/26/1999	117	Mag. Judge Kenneth P. Neiman. Preliminary Finding of Fairness/Scheduling Order setting parties filing of prop. notice to class members by 11/1/99; objections to/comments about prop. stlmt filed by 11/30/99; notice to class members by 11/5/99; parties joint submission re: fairness of prop. stlmt by 12/10/99; fairness hearing set for 12/17/99 at 10:00 a.m., ENTERED, cc:cl. [EOD Date 10/27/99] (bah) (Entered: 10/27/1999)
10/29/1999	118	Transcript of Case Management Conf. held on proceeding date: 10/20/99 before Judge: Kenneth P. Neiman filed. Court Reporter: Tape. (mef) Modified on 11/03/1999 (Entered: 11/01/1999)
11/01/1999	120	Joint notice regarding settlement by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center, Argeo Paul Cellucci, Frederick A. Laskey, William D. O'Leary, Bruce M. Bullen, Gerald Morrissey, Elmer C. Bartels, Howard Koh, Teresa O'Hare, filed. (bah) Modified on 11/03/1999 (Entered: 11/03/1999)
11/02/1999		Tele-conference held re: approval of joint notice regarding settlement. New notice to be submitted in compliance with court's recommended amendments. (bah) (Entered: 11/03/1999)
11/02/1999	121	Joint Notice Regarding Settlement by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center, Argeo Paul Cellucci, Frederick A. Laskey, William D. O'Leary, Bruce M. Bullen, Gerald Morrissey, Elmer C. Bartels, Howard Koh, Teresa O'Hare, filed. (bah) (Entered: 11/03/1999)
11/03/1999		Mag. Judge Kenneth P. Neiman. Endorsement re: [121-1] Joint Notice Regarding Settlement. "Approved (with one minor correction on page 2)." (bah) (Entered: 11/03/1999)
12/10/1999	122	Memorandum regarding the proposed settlement by Argeo Paul Cellucci, Frederick A. Laskey, William D. O'Leary, Bruce M. Bullen, Gerald Morrissey, Elmer C. Bartels, Howard Koh, Teresa O'Hare, filed, c/s. (bah) (Entered: 12/10/1999)
12/10/1999	125	Motion by Argeo Paul Cellucci, Frederick A. Laskey, William D. O'Leary, Bruce M. Bullen, Gerald Morrissey, Elmer C. Bartels, Howard Koh, Teresa O'Hare regarding the fairness hearing , filed, c/s. (bah) (Entered: 12/13/1999)
12/13/1999	123	Affidavit of Matthew Engel re: [121-1] settlement agreement filed. (fmr) (Entered: 12/13/1999)
12/13/1999	124	Ps' Motion for leave to file brief in excess of limit filed. (fmr) (Entered: 12/13/1999)
12/14/1999		Mag. Judge Kenneth P. Neiman. Endorsed Order granting in part [125-1] motion regarding the fairness hearing, ENTERED, cc:cl. "Allowed as follows: By the end of the day on December 15, 1999, Plaintiffs' counsel shall file with the court and provide a copy to Defendants' counsel a written summary, not necessarily in affidavit form, of the testimony to be proffered by Plaintiffs' organizational representative, the guardian of one of the named Plaintiffs, and on Dr. Charles Lakin (for whom Plaintiffs shall provide a proffer expanding upon the summary set forth at page 35 of thier brief." [EOD Date 12/14/99] (bah) (Entered: 12/14/1999)



12/14/1999		Mag. Judge Kenneth P. Neiman. Endorsed Order granting [124-1] motion for leave to file brief in excess of limit, ENTERED, cc:cl. [EOD Date 12/14/99] (bah) (Entered: 12/14/1999)
12/14/1999	126	Memorandum by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center in support of [122-1] proposed settlement agreement, filed. (bah) (Entered: 12/14/1999)
12/14/1999	127	Ds' Motion to quash testimony of Linda Glenn filed. (fmr) (Entered: 12/14/1999)
12/14/1999	128	Response by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center in opposition to [127-1] motion to quash testimony of Linda Glenn , filed. (bah) (Entered: 12/14/1999)
12/14/1999	129	Letter from Dorothy Diamond dated November 16, 1999 to Judge Neiman re: fairness hearing, filed. (bah) (Entered: 12/14/1999)
12/14/1999		Mag. Judge Kenneth P. Neiman. Endorsed Order denying as moot [127-1] motion to quash testimony of Linda Glenn, ENTERED, cc:cl. [EOD Date 12/15/99] (bah) (Entered: 12/15/1999)
12/15/1999	130	P's Memorandum in opposition to [127-1] motion to quash testimony of Linda Glenn filed. (fmr) (Entered: 12/15/1999)
12/16/1999	131	Ps' Memorandum summarizing witness' testimony for fairness hearing filed. (fmr) (Entered: 12/16/1999)
12/16/1999	132	Letter from Janet Viggiani dated December 16, 1999 to Judge Neiman re: fairness hearing filed. (bah) (Entered: 12/16/1999)
12/16/1999		Mag. Judge Kenneth P. Neiman. Endorsed Order regarding [132-1] letter request to testify at fairness hearing, ENTERED, cc:cl. "The court will determine at the hearing tomorrow whether to allow Ms. Tracy to further comment on the Settlement Agreement. In addition, in contrast for the representations made in this letter, the court itself had no conversation with Ms. Viggiani. Moreover, the clerk merely inquired whether Ms. Viggiani had been in contact with counsel for the respective parties and advised her to inform the court in writing of her views." (bah) (Entered: 12/16/1999)
12/17/1999	133	Mag. Judge Kenneth P. Neiman. Clerk's Notes re: settlement fairness hearing. Testimony heard. Written order to issue. Court Reporter: Moran (bah) (Entered: 12/17/1999)
12/17/1999		Court Exhibit Nos. 1, 2; Defendants' Exhibit No. 1; and, Plaintiffs Exhibit Nos. 1, 2, placed in file. (bah) (Entered: 12/28/1999)
12/30/1999	134	Transcript of Fairness Hearing held on proceeding date: 12/17/99 at 10:47 A.M. before Judge: Kenneth P. Neiman filed. Court Reporter: Alice Moran. (mef) (Entered: 12/30/1999)
01/10/2000	136	Mag. Judge Kenneth P. Neiman. Order approving settlement agreement, ENTERED, cc:cl. (bah) (Entered: 01/11/2000)
01/10/2000	137	Mag. Judge Kenneth P. Neiman. Memorandum with Regard to Approval of Settlement Agreement, ENTERED, cc:cl. (bah) (Entered: 01/11/2000)
01/10/2000		Mag. Judge Kenneth P. Neiman. Endorsed Order mootng [106-1] motion for summary judgment, ENTERED, cc:cl. "Deemed MOOT in light of Court's approval of settlement" (bah) (Entered: 01/11/2000)
01/10/2000		Mag. Judge Kenneth P. Neiman. Endorsed Order mootng [104-1] motion for summary judgment, ENTERED, cc:cl. "Deemed MOOT in light of Court's settlement approval." (bah) (Entered: 01/11/2000)
01/10/2000		Mag. Judge Kenneth P. Neiman. Endorsed Order mootng [58-1] motion for preliminary injunction, ENTERED, cc:cl. "Deemed MOOT in light of court's settlement approval." (bah) (Entered: 01/11/2000)

01/11/2000	135	Letter by Cathy E. Costanzo dated 1/10/00 to Dep. Clerk Healy re: administrative process for closing case filed. (fmr) (Entered: 01/11/2000)
01/11/2000		Mag. Judge Kenneth P. Neiman. Endorsed Order mootng [105-1] motion for leave to file memo in excess of 20 pages, ENTERED, cc:cl. (bah) (Entered: 01/11/2000)
03/14/2000	138	Ps' Motion for attorney fees and for costs , filed. (mef) (Entered: 03/14/2000)
03/14/2000	139	Ps' STIPULATED (Motion) for leave to file memo in excess of twenty (20) pages filed. (mef) (Entered: 03/14/2000)
03/14/2000		Mag. Judge Kenneth P. Neiman . Endorsed Order entered granting [139-1] stipulation motion for leave to file memo in excess of twenty (20) pages; cc/cl. [EOD Date 3/14/00] (mef) (Entered: 03/14/2000)
03/14/2000	140	Ps' Memorandum in support of [138-1] motion for attorney fees, [138-2] motion for costs filed. (mef) (Entered: 03/14/2000)
03/14/2000	141	Ps' Exhibits 3-4 (Volume 1) - [138-1] motion for attorney fees, [138-2] motion for costs (mef) (Entered: 03/14/2000)
03/14/2000	142	Ps' Exhibits 5-21 (Volume II) re: [138-1] motion for attorney fees, [138-2] motion for costs filed. (mef) (Entered: 03/14/2000)
03/14/2000	143	Ps' Exhibits 22-38 (Volume III) re: [138-1] motion for attorney fees, [138-2] motion for costs filed. (mef) (Entered: 03/14/2000)
03/29/2000	144	Ds' Motion for leave to file brief in excess of limit filed. (fmr) (Entered: 03/29/2000)
03/29/2000		Mag. Judge Kenneth P. Neiman. Endorsed Order granting [144-1] motion for leave to file brief in excess limit, ENTERED, cc:cl. (bah) (Entered: 03/29/2000)
03/29/2000	145	Response by Argeo Paul Cellucci, Frederick A. Laskey, William D. O'Leary, Bruce M. Bullen, Gerald Morrissey, C. Bartels, Howard Koh, Teresa O'Hare in opposition to [138-1] motion for attorney fees, filed, c/s. (bah) (Entered: 03/29/2000)
04/05/2000	146	Ps' Motion for leave to file reply brief filed. (fmr) (Entered: 04/05/2000)
04/19/2000		Mag. Judge Kenneth P. Neiman. Endorsed Order granting [146-1] motion for leave to file reply brief, ENTERED, cc:cl. (bah) (Entered: 04/19/2000)
04/19/2000	147	Reply by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center to response to [138-1] motion for attorney fees, filed, c/s. (bah) (Entered: 04/19/2000)
05/17/2000	149	STIPULATION (Motion) by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center, Argeo Paul Cellucci, Frederick A. Laskey, William D. O'Leary, Bruce M. Bullen, Gerald Morrissey, Elmer C. Bartels, Howard Koh, and Teresa O'Hare for attorney fees , filed. (bah) (Entered: 05/22/2000)
05/17/2000		Mag. Judge Kenneth P. Neiman. Endorsed Order granting [149-1] stipulation for attorney fees, ENTERED, cc:cl. (bah) (Entered: 05/22/2000)
05/18/2000	148	STIPULATION for interim payment of attorneys' fees filed. (fmr) (Entered: 05/18/2000)
06/07/2000	150	Notice of suppl. authority (Allen v. Western State Hospital, Western District of WA at Tacoma) filed by Steven J. Schwartz (fmr) (Entered: 06/07/2000)
06/09/2000	151	Stipulated Ps' Motion to extend time to 12/1/00 to administratively close case filed. (fmr) (Entered: 06/09/2000)
06/14/2000		Mag. Judge Kenneth P. Neiman. Endorsed Order granting [151-1] motion to extend time to 12/1/00 to administratively close case, ENTERED, cc:cl. (bah) (Entered: 06/14/2000)

06/28/2000	152	Mag. Judge Kenneth P. Neiman. Memorandum with regard to Plaintiffs' [138-1] motion for attorney fees and costs, ENTERED, cc:cl. "...Plaintiffs are entitled to attorneys fees in the amount of \$986,810 (of which \$440,000 is apparently in the process of being paid) and costs in the amount of \$125,361 (of which \$80,000 is apparently in the process of being paid)...That part of Plaintiffs' motion which seeks fees for Mr. Laski is deferred and Plaintiffs will have thirty days for the SJC's ruling in Kadlick to file a notice with this court as to whether an agreement has been reached with respect to his fees or whether Plaintiffs still seek the court's ruling on Mr. Laski's request." (bah) (Entered: 06/30/2000)
06/28/2000	153	Mag. Judge Kenneth P. Neiman. Order granting in part, denying in part [138-1] motion for attorney fees, and [138-2] motion for costs, ENTERED, cc:cl. (bah) (Entered: 06/30/2000)
06/29/2000	154	Suppl. memorandum by Argeo Paul Cellucci, Frederick A. Laskey, William D. O'Leary, Bruce M. Bullen, Gerald Morrissey, C. Bartels, Howard Koh, Teresa O'Hare re: Plaintiffs' application for fees, filed, c/s. (bah) (Entered: 06/30/2000)
06/30/2000	155	Notice of Supplemental Authority by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center, filed, c/s. (bah) (Entered: 06/30/2000)
07/07/2000	156	Motion by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center for reconsideration of [152-1] memorandum order , filed, c/s. (bah) (Entered: 07/07/2000)
07/11/2000	157	Response by Argeo Paul Cellucci, Frederick A. Laskey, William D. O'Leary, Bruce M. Bullen, Gerald Morrissey, C. Bartels, Howard Koh, Teresa O'Hare in opposition to [156-1] motion for reconsideration of [152-1] memorandum order, filed c/s. (bah) (Entered: 07/11/2000)
07/11/2000		Mag. Judge Kenneth P. Neiman. Endorsed Order granting [156-1] motion for reconsideration of [152-1] memorandum order, ENTERED, cc:cl. "ALLOWED. The order of June 28, 2000, is revised accordingly." (bah) (Entered: 07/11/2000)
07/19/2000	158	Notice of Agreement for judgment on payment of attorney's fees, filed. (mgl) (Entered: 07/19/2000)
07/20/2000		Mag. Judge Kenneth P. Neiman. Endorsed Order granting [158-1] Agreement for Judgment on Payment of Attorneys' Fees, ENTERED, cc:cl. (bah) (Entered: 07/21/2000)
09/26/2000	159	Ps' Motion for further relief of the Settlement Agreement re: specialized services to classmembers filed. (mef) (Entered: 09/26/2000)
09/26/2000	160	Ps' Memorandum in support of [159-1] motion for further relief of the Settlement Agreement re: specialized services to classmembers , filed. (mef) (Entered: 09/26/2000)
10/04/2000	161	Motion by Argeo Paul Cellucci, Frederick A. Laskey, William D. O'Leary, Bruce M. Bullen, Gerald Morrissey, Elmer C. Bartels, Howard Koh, Teresa O'Hare to extend time to 11/9/00 to respond to Plaintiff's motion alleging noncompliance , filed. c/s (mgl) (Entered: 10/04/2000)
10/06/2000	162	Plaintiffs' Request (non motion) for oral argument filed. c/s (mgl) (Entered: 10/06/2000)
10/06/2000		Mag. Judge Kenneth P. Neiman. Endorsed Order granting [161-1] motion to extend time to 11/9/00 to respond to Ps' motion alleging noncompliance, ENTERED, cc:cl. Response to motion reset to 10/31/00 for [159-1] motion for further relief of the Settlement Agreement re: specialized services to classmembers (bah) (Entered: 10/06/2000)
10/06/2000	163	Response by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center in opposition to [161-1] motion to extend time to 11/9/00 to respond to Plaintiff's motion alleging noncompliance , filed. c/s (mgl) (Entered: 10/10/2000)

10/06/2000	164	Ds' initial objection to Ps' notices of depos. of Jack Reilly on 10/17/2000, DMR on 10/18/2000, Patricia O'Day on 10/25/2000 and Gerald Morrissey on 11/07/2000 filed on 10/05/2000. (mef) Modified on 10/10/2000 (Entered: 10/10/2000)
10/06/2000	165	Ds' Motion for protective order , and to quash four depo. notices served by Plfts. filed. (mef) (Entered: 10/10/2000)
10/10/2000	166	Ps' Motion to compel the Defts. to resp. to discovery re: Ps' motion for noncompliance re: specialized services , filed. (mef) (Entered: 10/10/2000)
10/10/2000	167	Ps' Memorandum in support of [166-1] motion to compel the Defts. to resp. to discovery re: Ps' motion for noncompliance re: specialized services , filed. (mef) (Entered: 10/10/2000)
10/10/2000	168	Ds' resp. in opposition to [166-1] motion to compel the Defts. to resp. to discovery re: Ps' motion for noncompliance re: specialized services , filed. (mef) (Entered: 10/10/2000)
10/11/2000	169	Ps' resp. in opposition to [165-1] motion for protective order , filed. (mef) (Entered: 10/11/2000)
10/11/2000	170	Notice of Hearing ISSUED, cc:cl. Motion hearing before Mag. Judge Kenneth P. Neiman set for 11:00 on 10/19/00 for [166-1] motion to compel the Defts. to resp. to discovery re: Ps' motion for noncompliance re: specialized services, [165-1] motion for protective order, or to quash four depo. notices served by Plfts., and motion for oral argument . (bah) (Entered: 10/11/2000)
10/19/2000	171	Mag. Judge Kenneth P. Neiman. Clerk's Notes re: hearing on [166-1] motion to compel re: Ps' motion for noncompliance re: specialized services [165-1] motion for protective order and to quash four depo. notices served by Plfts. Arguments heard. Orders to issue. Court Reporter: tape (bah) (Entered: 10/19/2000)
10/19/2000		Mag. Judge Kenneth P. Neiman. Endorsed Order granting in part [166-1] motion to compel the Defts. to resp. to discovery re: Ps' motion for noncompliance re: specialized services, ENTERED, cc:cl. "ALLOWED as follows: Commencing November 1, 2000, Plaintiffs shall have the right to take two depositions with regard to the issue of non-compliance. Likewise, Defendants shall have the right to take two such depositions. So ordered." (bah) (Entered: 10/19/2000)
10/19/2000		Mag. Judge Kenneth P. Neiman. Endorsed Order denying [165-1] motion for protective order, denying [165-2] motion to quash four depo. notices served by Plfts., ENTERED, cc:cl. (bah) (Entered: 10/19/2000)
10/19/2000		Mag. Judge Kenneth P. Neiman. Endorsed Order granting [162-1] request for oral argument ENTERED, cc:cl. "ALLOWED as follows: A non-evidentiary hearing on Plaintiffs' motion for a finding of noncompliance on Specialized Services, limited to issue of noncompliance, not further relief, is scheduled for December 4, 2000 at 10:00 a.m. Plaintiffs shall have until November 28, 2000 to file their reply to Defendants' opposition. So ordered." Motion hearing before Mag. Judge Kenneth P. Neiman set for 10:00 12/4/00 for [159-1] motion for further relief of the Settlement Agreement re: specialized servces to classmembers , Response to motion due 10/31/00 , Reply to Response to Motion reset to 11/28/00 for [159-1] motion for further relief of the Settlement Agreement re: specialized servces to classmembers D (bah) (Entered: 10/19/2000)
10/31/2000	172	Ds' resp. in opposition to [159-1] motion for further relief of the Settlement Agreement re: specialized servces to classmembers , filed. (mef) (Entered: 11/01/2000)
10/31/2000	173	Ds' Affidavit of John E. Riley in support of [172-1] opposition response re: further compliance with settlement agreement filed. (mef) (Entered: 11/01/2000)
10/31/2000	174	Ds' Affidavit of Kelly D. Lawless in support of [172-1] opposition response , filed. (mef) (Entered: 11/01/2000)
10/31/2000	175	Ds' Exhibits re: Virginai Culici in support [172-1] opposition response filed. (mef) (Entered: 11/01/2000)

10/31/2000	176	Ds' Exhibits re: William Doogue in support of [172-1] opposition response filed. (mef) (Entered: 11/01/2000)
10/31/2000	177	Ds' Exhibits re: Mary Kennedy in support of [172-1] opposition response filed. (mef) (Entered: 11/01/2000)
10/31/2000	178	Ds' Exhibits re: Edward Lablue in support of [172-1] opposition response filed. (mef) (Entered: 11/01/2000)
10/31/2000	179	Ds' Exhibits re: Beverly Mosher in support of [172-1] opposition response filed. (mef) (Entered: 11/01/2000)
10/31/2000	180	Ds' Exhibits re: Francis O'Connor in support of [172-1] opposition response filed. (mef) (Entered: 11/01/2000)
10/31/2000	181	D's Exhibits re: Paul Ripandelli in support of [172-1] opposition response filed. (mef) (Entered: 11/01/2000)
10/31/2000	182	Ds' Exhibits re: Orselina Souza in support of [172-1] opposition response filed. (mef) (Entered: 11/01/2000)
10/31/2000	183	Ds' Exhibits re: Patricia Wilmarth in support of [172-1] opposition response filed. (mef) (Entered: 11/01/2000)
11/13/2000	184	Response by Argeo Paul Cellucci, Frederick A. Laskey, William D. O'Leary, Bruce M. Bullen, Gerald Morrissey, Elmer C. Bartels, Howard Koh, Teresa O'Hare in opposition to plaintiffs' motion seeking six weeks to file a reply brief, filed. c/s (mgl) (Entered: 11/13/2000)
11/13/2000	185	Ps' Motion to ext. time to 12/12/2000 to file reply to Ds' opp. to their motion for noncomplaine re: settlement agreement and to cont. the 12/04/2000 motion hearing to 12/18/2000. , filed. (mef) (Entered: 11/13/2000)
11/20/2000		Mag. Judge Kenneth P. Neiman . Endorsed Order entered denying [185-1] motion to ext. time to 12/12/2000 to file reply to Ds' opp. to their motion for noncomplaine re: settlement agreement, denying [185-2] motion to cont. the 12/04/2000 motion hearing to 12/18/2000; cc/cl. [EOD Date 11/20/00] (mef) (Entered: 11/20/2000)
11/28/2000	186	Motion by Plaintiff's Loretta Rolland to file a reply brief in excess of twenty pages , filed. c/s (mgl) (Entered: 11/28/2000)
11/28/2000	187	Motion by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center to strike the DMR summary reports from Exhibit E. , filed. (mgl) (Entered: 11/29/2000)
11/28/2000	188	Memorandum by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center in support of [187-1] motion to strike the DMR summary reports from Exhibit E. , filed. c/s (mgl) (Entered: 11/29/2000)
11/29/2000		Mag. Judge Kenneth P. Neiman . Endorsed Order entered granting [186-1] motion to file a reply brief in excess of twenty pages . [EOD Date 11/29/00] cc/cl. (mgl) (Entered: 11/29/2000)
11/29/2000	189	Ptlf's Reply brief by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center in support of their motion for a finding of nocompliance on specialized services, filed. c/s (mgl) Modified on 10/03/2001 (Entered: 11/29/2000)
11/29/2000	190	Exhibit list by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center , filed. (mgl) (Entered: 11/29/2000)
12/01/2000	191	Response in opposition to [187-1] motion to strike the DMR summary reports from Exhibit E. , filed. (jcs) (Entered: 12/01/2000)
12/04/2000		Motion hearing re: [187-1] motion to strike the DMR summary reports from Exhibit E., [159-1] motion for further relief of the Settlement Agreement re:

		specialized services to classmembers. Motions hearing held. (mef) (Entered: 12/04/2000)
12/04/2000	192	Mag. Judge Kenneth P. Neiman . Clerk's Notes: re: Counsel appear for hearing on Ps' motion for further relief – [159–1] and motion to strike – [187–1]. Arguments heard. Motions taken under advisement. Defts. filed motion for leave to file reply brief, Ps' to file sur–reply brief by 12/29/2000. Court Reporter: Tape. (mef) (Entered: 12/04/2000)
12/04/2000	193	Ds' Motion for leave to file affidavits of area directors, suppl. affidavit of John Riley and reply brief filed. (mef) (Entered: 12/04/2000)
12/04/2000		Mag. Judge Kenneth P. Neiman . Oral Order granting [193–1] motion for leave to file affidavits of area directors, suppl. affidavit of John Riley and reply brief . (mef) (Entered: 12/04/2000)
12/04/2000	194	Ds' Suppl. Affidavit John E. Riley in support of [172–1] opposition response , filed. (mef) (Entered: 12/04/2000)
12/04/2000	195	Ds' resp. in opposition Ps' suppl. affidavits re: [183–1] exhibits, [182–1] exhibits, [181–1] exhibits, [180–1] exhibits, [179–1] exhibits, [178–1] exhibits, [177–1] exhibits, [176–1] exhibits, [175–1] exhibits , filed. (mef) (Entered: 12/04/2000)
12/04/2000	196	Ds' Affidavits of Donna Boucher, Kathleen A. Catano, Susan Davison, Edward Fitzgerald, Gail Gillespie, Robin Harmantz, Frederick Huntington, Joan F. Katz, Ruth McLaughlin, Ernest J. Messmer, Cynthia F. Miller, Alice Mirrossion, Roger Monty, Sally A. Mueller, Alfred M. Nazzaro, Charlie Phillips, Peter J. Travers, Phillip J. Tully, Randall T. Webster, Judith Berry Williams, Karen Williams, and William Zimmer PhD. in support of [172–1] opposition response , filed. (mef) (Entered: 12/04/2000)
12/14/2000	197	Reply/response by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center to [195–1] opposition response , filed. (mgl) (Entered: 12/14/2000)
12/14/2000	198	Motion by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center for non–compliance concerning diversion and further relief. , filed. (mgl) (Entered: 12/14/2000)
12/14/2000	199	Memorandum by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center in support of [198–1] motion for non–compliance concerning diversion and further relief. , filed. (mgl) (Entered: 12/14/2000)
12/21/2000	200	Resp. by Argeo Paul Cellucci, Frederick A. Laskey, William D. O'Leary, Bruce M. Bullen, Gerald Morrissey, Elmer C. Bartels in opposition to [198–1] motion for non–compliance concerning diversion and further relief. , filed. (mef) (Entered: 12/21/2000)
12/29/2000	201	Response by Loretta Rolland in opposition to [193–1] motion for leave to file affidavits of area directors, suppl. affidavit of John Riley and reply brief , filed. c/s (mgl) (Entered: 12/29/2000)
01/02/2001	202	Reply to response to [198–1] motion for non–compliance concerning diversion and further relief. , filed. (jcs) (Entered: 01/02/2001)
01/05/2001	203	Ds' Sur reply [198–1] Ps' motion for non–compliance concerning diversion and further relief. filed. (mef) (Entered: 01/08/2001)
01/12/2001	204	Letter by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center by Steven J. Schwartz dated January 3, 2001 to: Mag. Judge Neiman re: settlement agreement in Boulet v. Cellucci, filed. (bah) (Entered: 01/17/2001)
01/26/2001	205	Notice of withdrawal of counsel for Argeo Cellucci by Marianne Meacham filed. (sealed) (Entered: 01/26/2001)

02/26/2001		Mag. Judge Kenneth P. Neiman. Endorsed Order denying [187-1] motion to strike the DMR summary reports from Exhibit E, ENTERED, cc:cl. (bah) (Entered: 02/27/2001)
03/19/2001	206	Motion by Loretta Rolland for second award of attorney fees and costs , filed. c/s (mgl) (Entered: 03/19/2001)
03/19/2001	207	Motion by Loretta Rolland, et al., for leave to file brief in excess of twenty pages , filed. c/s (mgl) (Entered: 03/19/2001)
03/21/2001	208	Memorandum by Loretta Rolland in support of [206-1] motion for second award of attorney fees and costs , filed. c/s (mgl) Modified on 03/21/2001 (Entered: 03/19/2001)
03/21/2001		Mag. Judge Kenneth P. Neiman. Endorsed Order granting [207-1] motion for leave to file brief in excess twenty pages, ENTERED, cc:cl. (bah) (Entered: 03/21/2001)
03/21/2001	209	Exhibits by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center [206-1] motion for second award of attorney fees and costs (bah) (Entered: 03/21/2001)
03/21/2001	210	Exhibits by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center [206-1] motion for second award of attorney fees and costs (bah) (Entered: 03/21/2001)
03/21/2001	211	Exhibits by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center [206-1] motion for second award of attorney fees and costs (bah) (Entered: 03/21/2001)
03/27/2001	<u>212</u>	Mag. Judge Kenneth P. Neiman. Memorandum and Order granting [159-1] motion for further relief of the Settlement Agreement re: specialized services, ENTERED, cc:cl. "...Plaintiffs, with reference to specialized services, are now free to 'seek injunctive and other relief based upon the then existing facts and law.'" See order for details. (bah) (Entered: 03/27/2001)
03/27/2001	213	Mag. Judge Kenneth P. Neiman. Memorandum and Order denying [198-1] motion for non-compliance concerning diversion and further relief, ENTERED, cc:cl. "...lacking specific evidence, and for the other reasons stated, Plaintiffs' motion is hereby DENIED." (bah) (Entered: 03/27/2001)
03/29/2001	214	Defts.' Motion to extend time to 4/13/01 to file response to Pltfs' Second motion for attorneys' fees , filed. (jcs) (Entered: 03/29/2001)
03/30/2001		Mag. Judge Kenneth P. Neiman. Endorsed Order granting [214-1] motion to extend time to 4/13/01 to file response to Pltfs' Second motion for attorneys' fees, ENTERED, cc:cl. Response to motion reset to 4/13/01 for [206-1] motion for second award of attorney fees and costs . [EOD Date 3/30/01] (bah) (Entered: 03/30/2001)
04/12/2001	215	Motion by Argeo Paul Cellucci, Frederick A. Laskey, William D. O'Leary, Bruce M. Bullen, Gerald Morrissey, Elmer C. Bartels, Howard Koh, Teresa O'Hare for leave to file memorandum in excess of 20 pages , filed. (bah) (Entered: 04/16/2001)
04/16/2001		Mag. Judge Kenneth P. Neiman. Endorsed Order granting [215-1] motion for leave to file memorandum in excess of 20 pages, ENTERED, cc:cl. (bah) (Entered: 04/18/2001)
04/16/2001	216	Memorandum by Argeo Paul Cellucci, Frederick A. Laskey, William D. O'Leary, Bruce M. Bullen, Gerald Morrissey, C. Bartels, Howard Koh, Teresa O'Hare in opposition to [206-1] motion for second award of attorney fees and costs, filed c/s. (bah) (Entered: 04/18/2001)
04/18/2001	217	Motion by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros

		Center for leave to file reply brief , filed, c/s. (bah) (Entered: 04/18/2001)
04/18/2001		Mag. Judge Kenneth P. Neiman. Endorsed Order granting [217-1] motion for leave to file reply brief, ENTERED, cc:cl. Reply brief re: [206-1] motion for second award of attys fees due 4/26/01 (bah) (Entered: 04/18/2001)
04/24/2001	218	Motion by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center to strike [216-1] opposition memorandum to Ps' motion for second award of attorney's fees , filed. (mef) (Entered: 04/24/2001)
04/24/2001	219	Memorandum by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center in support of [218-1] motion to strike [216-1] opposition memorandum to Ps' motion for second award of attorney's fees , filed. (mef) (Entered: 04/24/2001)
04/24/2001	220	Pltf's Reply brief by Loretta Rolland, et al., in support of their [206-1] motion for second award of attorney fees and costs filed. c/s (mgl) Modified on 04/24/2001 (Entered: 04/24/2001)
05/02/2001	221	Memorandum by Argeo Paul Cellucci, et al., in opposition to [218-1] motion to strike [216-1] opposition memorandum to Ps' for second award of attorney's fees, filed. c/s (mgl) (Entered: 05/02/2001)
05/16/2001	222	Motion by Plaintiff's Loretta Rolland, et al., for sanctions , filed. c/s (mgl) (Entered: 05/16/2001)
05/16/2001	223	Memorandum of law by Pltf's Loretta Rolland, et al., in support of [222-1] motion for sanctions, filed. c/s (mgl) (Entered: 05/16/2001)
05/16/2001	224	Letter by Pltf's co-counsel Richard D. Belin dated: 04/23/01 to: Judith S. Yogman defense co-counsel re: motion for sanctions filed. (mgl) (Entered: 05/16/2001)
05/21/2001	225	Ds' resp. in opposition to [222-1] motion for sanctions , filed. (mef) (Entered: 05/21/2001)
05/24/2001	226	Letter by Matthew Engel dated: 5/23/01 to: Bethaney Healy re: Motion for second award of attorneys fees, filed. (mgl) (Entered: 05/24/2001)
05/25/2001	227	Motion by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center for a scheduling order , filed. c/s (mgl) (Entered: 05/25/2001)
05/30/2001	228	Notice of Conference ISSUED, cc:cl. set case mgmt conf. for 2:00 on 6/11/01 before Mag. Judge Kenneth P. Neiman . (bah) (Entered: 05/30/2001)
05/30/2001	229	Defendants' Response in opposition to [227-1] motion for a scheduling order , filed. (jcs) (Entered: 05/30/2001)
06/06/2001	230	Ds' Motion for Thomas B. York to appear pro hac vice. Fee Status: Not paid. , filed. (mef) (Entered: 06/06/2001)
06/06/2001	231	Ds' Motion to cont. the status conf. set for 6/11/2001 to 6/20/2001 at 2:00 P.M. filed. (mef) (Entered: 06/06/2001)
06/07/2001	232	Ps' resp. in opposition to [230-1] motion for Thomas B. York to appear pro hac vice filed. (mef) (Entered: 06/07/2001)
06/08/2001		Case management conference held. (bah) (Entered: 06/13/2001)
06/08/2001	233	Mag. Judge Kenneth P. Neiman. Clerk's Notes re: case mgmt conf. Schedule estd-order to issue. Court Reporter: tape (bah) (Entered: 06/13/2001)
06/08/2001	234	Response by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center in opposition to [230-1] motion for Thomas B. York to appear pro hac vice. Fee Status: Not paid. , filed. (bah) (Entered: 06/13/2001)
06/08/2001		Mag. Judge Kenneth P. Neiman. Endorsed Order granting [230-1] motion for Thomas B. York to appear pro vice, ENTERED, cc:cl. Added Thomas B. York.



		Added (bah) (Entered: 06/13/2001)
06/08/2001		Mag. Judge Kenneth P. Neiman. Endorsed Order granting [227-1] motion for a scheduling order, ENTERED, cc:cl. "ALLOWED as set forth in the scheduling order issued this day." (bah) (Entered: 06/13/2001)
06/08/2001	235	Mag. Judge Kenneth P. Neiman. Scheduling Order setting case management conf. for 10:00 on 7/23/01; between 7/23/-25/01, Ps provide Ds with draft of amd motion for further relief concerning spec. svcs; writt disc. re: enforcement of spec. svcs by served no sooner than 7/24/01 and no later than 7/30/01; pty's expert tours compl by 8/31/01; non-exp depositions compl by 9/21/01; Ps expert disc and Ps amd motion further relief re: spec svcs by 9/21/01; Ds expert discl. by 10/5/01; expert depositions by 10/19/01; 2-day evidentiary hrg on Ps' motion commencing 11/5/01 at 10:00 a.m., ENTERED, cc:cl. (bah) (Entered: 06/13/2001)
06/11/2001		Terminated document: [231-1] motion to cont. the status conf. set for 6/11/2001. Requested by bah. (conference held 6/8/01) (bah) (Entered: 06/11/2001)
07/13/2001	236	Motion for leave to file supplemental memorandum re: fees and costs , filed. (jcs) (Entered: 07/13/2001)
07/13/2001		Mag. Judge Kenneth P. Neiman. Endorsed Order granting [236-1] motion for leave to file supplemental memorandum re: fees and costs, ENTERED, cc:cl. (bah) (Entered: 07/13/2001)
07/13/2001	237	Suppl. memorandum by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center in support of [206-1] motion for second award of attorney fees and costs filed. (bah) (Entered: 07/13/2001)
07/18/2001	238	Response by Argeo Paul Cellucci to [236-1] motion for leave to file supplemental memorandum re: fees and costs , filed. (laf) (Entered: 07/18/2001)
07/23/2001		Case management conference held . (mef) (Entered: 07/23/2001)
07/23/2001	239	Mag. Judge Kenneth P. Neiman . Clerk's Notes: re: Counsel appear for a case management conf. Revised scheduling order to issue. Court Reporter: Tape. (mef) (Entered: 07/23/2001)
07/23/2001	240	Mag. Judge Kenneth P. Neiman. Revised Scheduling Order entered. Set Ps' amended motion for further relief re: specialized services filing deadline for 7/25/2001. All written discovery re: enforcement of specialized services obligations to be served no sooner than 7/24/2001, and no later than 7/30/2001. Each side shall be limited to fifteen (15) ints. and ten (10) document requests. The parties' experts' tours shall be completed by 8/31/2001, which date shall also serve as the fact cut-off date, the date on which Defts' actions with respect to specialized services shall be measured. Non-expert depositions, no more than three per side, shall be completed by 9/21/2001. Reset discovery due for 10/19/2001. Ps' Expert witness list due on 9/21/2001, at which time Pltfs' shall also file their amended motion for further relief re: specialized services. Defts' expert witness list due 10/5/2001. Defts' resp. to Pltfs' amended motion due 10/05/2001, also. Pltfs' pretrial memo due 10/24/2001, Defts' due 10/31/2001. A two day evidentiary hearing on Pltfs' motion shall commence on 11/05/2001 at 10:00 A.M. before Mag/Judge Kenneth P. Neiman; cc:cl. [EOD Date 7/23/01] (mef) Modified on 07/24/2001 (Entered: 07/23/2001)
07/23/2001	241	Mag. Judge Kenneth P. Neiman . Memorandum and Order entered. The Court DENIES Ps' motion to strike [216-1] opposition memorandum to Ps' motion for second award of attorney's fees - [218-1] and DENIES Ps' motion for sanctions - [222-1]; cc:cl. [EOD Date 7/23/01] (mef) (Entered: 07/23/2001)
07/23/2001	242	Mag. Judge Kenneth P. Neiman . Memorandum and Order entered GRANTING Pltfs' motion for second award of attorney fees and costs - [206-1]. Defts' shall pay to Pltfs' attorneys fees of \$289,765.00 and costs of \$28,247.10; cc:cl. [EOD Date 7/23/01] (mef) (Entered: 07/23/2001)
07/26/2001	243	Plft's Amended Motion by Loretta Rolland et, al., for further relief concerning specialized services , filed. c/s (mgl) (Entered: 07/26/2001)

08/01/2001	244	Ps' motion for reconsideration of [241-1] memorandum and order re: Ps' motion for a second award of attorneys' fees and costs filed. (mef) (Entered: 08/01/2001)
08/01/2001	245	Ps' Memorandum in support of [244-1] motion for reconsideration of [241-1] memorandum order re: Ps' motion for a second award of attorneys' fees and costs , filed. (mef) (Entered: 08/01/2001)
08/03/2001	246	Dft's initial response by Argeo Paul Cellucci to Pltf's [243-1] amended motion for further relief concerning specialized services , filed. c/s (mgl) (Entered: 08/03/2001)
08/08/2001	247	Motion by Mass. Law Reform, American Civil, Mass. Correct. Legal, Neighborhood Legal, Western Mass. Legal, Greater Boston Legal for leave to file brief Amicus Curiae filed. (mef) (Entered: 08/09/2001)
08/13/2001	248	Response by William D. O'Leary, Bruce M. Bullen, Gerald Morrissey, Elmer C. Bartels, Howard Koh, Teresa O'Hare in opposition to pltf's [244-1] motion for reconsideration of [241-1] memorandum and order re: Ps' motion for a second award of attorneys' fees and costs , filed. c/s (mgl) (Entered: 08/13/2001)
08/14/2001		Mag. Judge Kenneth P. Neiman. Endorsed Order granting in part, denying in part [246-1] Defendants' Initial Response to Plaintiffs' Amended Motion for Further Relief Concerning Specialized Services, ENTERED, cc:cl. "To the extent this Initial Response seeks relief, (see prayers 1 through 4 on pages 5-6), it is DENIED, provided, however, that Defendants, if they wish, may further respond by denying the allegations in the motion and asserting that no further relief is warranted. To the extent Defendants believe that the relief sought by Plaintiffs falls outside the scope of Para. 15 and 16 of the settlement agreement, they may so indicate. So ordered." (bah) (Entered: 08/14/2001)
08/14/2001		Mag. Judge Kenneth P. Neiman. Endorsed Order granting [247-1] motion for leave to file brief Amicus Curiae, ENTERED, cc:cl. (bah) (Entered: 08/14/2001)
08/14/2001	249	Amicus Curiae brief by Mass. Law Reform, American Civil, Mass. Correct. Legal, Neighborhood Legal, Western Mass. Legal, Greater Boston Legal , filed. (bah) (Entered: 08/14/2001)
08/24/2001	250	Notice of Hearing ISSUED, cc:cl. Motion hearing before Mag. Judge Kenneth P. Neiman set for 10:30 on 9/7/01 for [244-1] motion for reconsideration of [241-1] memorandum and order re: Ps' motion for a second award of attorneys' fees and costs . (bah) (Entered: 08/24/2001)
09/11/2001	251	Ps'Motion in limine to preclude Ds' use of evidence gathered from unauthorized contact with classmembers and uncontested to review of their nursing facility records filed. (mef) Modified on 09/13/2001 (Entered: 09/11/2001)
09/11/2001	252	Ps' Memorandum in support of [251-1] motion in limine to preclude Ds' use of evidence gathered from unauthorized contact with classmembers and unconsted to review of their nursing facility records filed. (mef) (Entered: 09/11/2001)
09/12/2001	253	Mag. Judge Kenneth P. Neiman. Memorandum and Order denying without prejudice [244-1] motion for reconsideration of [241-1] memorandum and order re: Ps' motion for a second award of attorneys' fees and costs, ENTERED, cc:cl. See memorandum and order for details. (bah) (Entered: 09/13/2001)
09/13/2001	254	Notice of Hearing ISSUED, cc:cl. Motion hearing set for 10:30 on 9/21/01 for [251-1] motion in limine to preclude Ds' use of gathered from unauthorized contact with classmembers and uncontested to review of their nursing facility records . (bah) (Entered: 09/13/2001)
09/17/2001	255	Motion by Argeo Paul Cellucci, Frederick A. Laskey, William D. O'Leary, Bruce M. Bullen, Gerald Morrissey, Elmer C. Bartels, Howard Koh, Teresa O'Hare to continue the motion hearing set for 9/21/01 , filed. (bah) (Entered: 09/17/2001)
09/17/2001	256	Motion by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center to require the Defendants to identify all experts and to produce reports from all persons who will offer an expert opinion , filed. (bah) (Entered: 09/17/2001)

09/17/2001	257	Memorandum by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center in support of [256-1] motion to require the Defendants to identify all experts and to produce reports from all persons who will offer an expert opinion, filed. (bah) (Entered: 09/17/2001)
09/18/2001	258	Response by pltf's Loretta Rolland, et al., in opposition to [255-1] motion to continue the motion hearing set for 9/21/01, filed. c/s (mgl) (Entered: 09/18/2001)
09/19/2001		Mag. Judge Kenneth P. Neiman. Endorsed Order denying [255-1] motion to continue the motion hearing set for 9/21/01, ENTERED, cc:cl. "DENIED, provided, however, that Defendants may file their opposition to Plaintiffs' motion by noon on September 20, 2001, instead of September 19, 2001. So ordered." (bah) (Entered: 09/19/2001)
09/20/2001	259	Response by Argeo Paul Cellucci, Frederick A. Laskey, William D. O'Leary, Bruce M. Bullen, Gerald Morrissey, C. Bartels, Howard Koh, Teresa O'Hare in opposition to [251-1] motion in limine to preclude Ds' use of evidence gathered from unauthorized contact with classmembers and uncontested to review of their nursing facility records, filed. (bah) (Entered: 09/20/2001)
09/20/2001	260	Response by Argeo Paul Cellucci, Frederick A. Laskey, William D. O'Leary, Bruce M. Bullen, Gerald Morrissey, C. Bartels, Howard Koh, Teresa O'Hare in opposition to [251-1] motion in limine to preclude Ds' use of evidence gathered from unauthorized contact with classmembers and uncontested to review of their nursing facility records , filed. (bah) (Entered: 09/20/2001)
09/20/2001	261	Affidavit of John Riley on behalf of the Defendants Frederick A. Laskey, William D. O'Leary, Bruce M. Bullen, Gerald Morrissey, Elmer C. Bartels, Howard Koh, Teresa O'Hare re: [251-1] motion in limine to preclude Ds' use of evidence gathered from unauthorized contact with classmembers and uncontested to review of their nursing facility records, filed. (bah) (Entered: 09/20/2001)
09/21/2001	262	Mag. Judge Kenneth P. Neiman. Clerk's Notes re: hearing on [251-1] motion in limine to preclude Ds' use of evidence gathered from unauthorized contact with classmembers and uncontested to review of their nursing facility records. Arguments heard. Order to issue. Court Reporter: tape (bah) (Entered: 09/21/2001)
09/21/2001		Mag. Judge Kenneth P. Neiman. Endorsed Order granting in part [251-1] motion in limine to preclude Ds' use of evidence gathered from unauthorized contact with classmembers and uncontested to review of nursing facility records, ENTERED, cc:cl. "ALLOWED as explained and to the extent described this day in open court." (bah) (Entered: 09/21/2001)
09/27/2001	263	Plfts' Motion to compel the Defts' to further resp. to ints. #'s 1-7, 9, 10 and 14 and third req. for production of docs. filed. (mef) (Entered: 09/27/2001)
09/27/2001	264	Memorandum by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper in support of [263-1] motion to compel the Defts' to further resp. to ints. #'s 1-7, 9, 10 and 14 and third req. for production of docs. , filed. (mef) (Entered: 09/27/2001)
09/27/2001	265	Response by Argeo Paul Cellucci, Frederick A. Laskey, William D. O'Leary, Bruce M. Bullen, Gerald Morrissey, Elmer C. Bartels, Howard Koh, Teresa O'Hare in opposition to [256-1] motion to require the Defendants to identify all experts and to produce reports from all persons who will offer an expert opinion, filed, c/s. (bah) (Entered: 09/27/2001)
09/28/2001		Mag. Judge Kenneth P. Neiman. Endorsed Order denying [256-1] motion to require the Defendants to all experts and to produce reports from all persons who offer an expert opinion, ENTERED, cc:cl. "DENIED, there being no emergency. By operation of the court's scheduling order, Defendants are required to name and present the reports of their experts by October 5, 2001. As to those witnesses who are not so designated, the court reserves its rulings on the admissibility of any proffered testimony until the hearing itself. So ordered." (bah) (Entered: 10/02/2001)
10/01/2001	266	Ps' Motion to amend (suppl.) [240-1] scheduling order filed. (mef) (Entered: 10/01/2001)

10/01/2001	267	Motion by Argeo Paul Cellucci, Frederick A. Laskey, William D. O'Leary, Bruce M. Bullen, Gerald Morrissey, Elmer C. Bartels, Howard Koh, Teresa O'Hare to extend time to 10/19/01 to designate and disclose trial experts , filed. (bah) (Entered: 10/01/2001)
10/02/2001	268	Response by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center in opposition to [267-1] motion to extend time to 10/19/01 to designate and disclose trial experts, filed. (bah) (Entered: 10/02/2001)
10/02/2001		Mag. Judge Kenneth P. Neiman. Endorsed Order granting in part, denying in part [267-1] motion to extend time to 10/19/01 to designate and disclose trial experts, ENTERED, cc:cl. "ALLOWED as follows: Defendants' experts' requests shall be provided to Plaintiffs' counsel by noon on October 9, 2001. In all other respects, the motion is DENIED." (bah) (Entered: 10/03/2001)
10/03/2001	269	Parties STIPULATION re: Ds' motion for ext. of time to designate and disclose info. re: their trial experts - [267-1] filed. (mef) Modified on 10/03/2001 (Entered: 10/03/2001)
10/03/2001		Mag. Judge Kenneth P. Neiman. Endorsed Order granting [269-1] stipulation regarding [267-1] motion for extension of time, ENTERED, cc:cl. "ALLOWED. The court's margin notation in Doc. No. 267 is hereby WITHDRAWN." (bah) (Entered: 10/03/2001)
10/05/2001	270	Motion by Loretta Rolland, et, al., to compel dft's to produce documents mentioned at depositions of department of mental retardation , filed. c/s (mgl) (Entered: 10/05/2001)
10/05/2001	271	Memorandum by Loretta Rolland, et, al., in support of [270-1] motion to compel dft's to produce documents mentioned at depositions of department of mental retardation , filed. c/s (mgl) (Entered: 10/05/2001)
10/10/2001	272	Amended motion to compel amending [270-1] motion to compel dft's to produce documents mentioned at depositions of department of mental retardation, related documents, and documents withheld as work product by Loretta Rolland , filed. c/s (mgl) (Entered: 10/10/2001)
10/12/2001	273	Dft's Response by Argeo Paul Cellucci, et, al., in opposition to [266-1] motion for supplementation of [240-1] scheduling order , filed. c/s (mgl) (Entered: 10/12/2001)
10/15/2001	274	Dft's Response by Argeo Paul Cellucci, et al., in opposition to ptf's [272-1] amended motion to compel , additional discovery, filed. c/s (mgl) (Entered: 10/15/2001)
10/16/2001		Mag. Judge Kenneth P. Neiman. Endorsed Order granting in part, denying in part [263-1] motion to compel the Defts' to further resp. to ints. #'s 1-7, 9, 10 and 14 and third req. for prod. of docs, ENTERED, cc:cl. "Motion ALLOWED, without apparent opposition, with respect to the request for documents and/or a privilege log. Motion ALLOWED with respect to the following interrogatories: No. 1 (Defendants having indicated in essence that the answer would be the same to an inquiry regarding active treatment); Nos. 2, 3, 4 and 7; and Nos. 9 and 10 (without opposition). The motion is DENIED with respect to Interrogatories Nos. 5, 6, and 14. So ordered." (bah) (Entered: 10/18/2001)
10/17/2001	275	Ps' Motion to compel production of documents by Division of Medical Assistance , filed. (jcs) (Entered: 10/17/2001)
10/17/2001	276	Memorandum in support of [275-1] motion to compel production of documents by Division of Medical Assistance , filed. (jcs) (Entered: 10/17/2001)
10/17/2001		Mag. Judge Kenneth P. Neiman. Endorsed Order granting [266-1] motion to amend (suppl.) [240-1] order, ENTERED, cc:cl. "ALLOWED, after telephone conference, as set forth in the supplemental scheduling order this day." (bah) (Entered: 10/18/2001)

10/17/2001	277	Mag. Judge Kenneth P. Neiman. Scheduling Order setting Ds' reponse to Ps' amended motion to compel filed by noon on 10/19/01; joint expert reports, as agreed upon by the parties, shall be filed by 10/24/01; Ps' pretrial memo and proposed witness list and exhibits shall be filed by 10/24/01; Daubert and motions in limine re: respective experts shall be filed by 10/26/01, with responses thereto filed by 11/1/01; Ds' proposed witness list and exhibits shall be filed by 10/30/01; Ds' pretrial memo shall be filed by 10/31/01; final pretrial conf. set for 11/2/01 at 11:30 a.m., by telephone, ENTERED, cc:cl. (bah) (Entered: 10/22/2001)
10/22/2001	278	Defendants' Response in opposition to [275-1] motion to compel production of documents by Division of Medical Assistance , filed. (jcs) (Entered: 10/23/2001)
10/23/2001		Mag. Judge Kenneth P. Neiman. Endorsed Order granting in part, denying in part [270-1] motion to compel dft's to produce documents mentioned at depositions of department of mental retardation, ENTERED, cc:cl. "ALLOWED only insofar as Plaintiffs seek the production of documents. Although the court finds that Defendants have not waived the work-product privilege, it also find that Plaintiffs have substantial need of the documents, their having been used by Defendants to improve the delivery of services, and cannot otherwise obtain the information without undue hardship. The documents are to be provided forthwith. The documents are limited to checklists used for members of the class sample considered by Plaintiffs' experts. The documents are to be provided forthwith. So ordered." (bah) (Entered: 10/24/2001)
10/23/2001		Mag. Judge Kenneth P. Neiman. Endorsed Order granting in part, denying in part [272-1] amended motion to compel, ENTERED, cc:cl. "ALLOWED with respect to any documents highlighted in Exhibit A which are specialized services or day rehabilitation checklists for members of the class sample considered by Plaintiffs' experts. The documents are to be provided forthwith. In all other respects, the motion is DENIED. So ordered." (bah) (Entered: 10/24/2001)
10/24/2001	279	Motion to seal/impound letter dated 10/23/01 , filed. (jcs) (Entered: 10/24/2001)
10/24/2001	281	Dft's Exhibits by Argeo Paul Cellucci et al., filed. (mg1) (Entered: 10/24/2001)
10/24/2001		Mag. Judge Kenneth P. Neiman. Endorsed Order granting [279-1] motion to impound letter dated 10/23/01, ENTERED, cc:cl. (bah) (Entered: 10/24/2001)
10/24/2001	280	SEALED DOCUMENT (letter referenced in [279-1] motion to impound) placed in vault. (bah) Modified on 10/24/2001 (Entered: 10/24/2001)
10/24/2001	282	(Assented to) Motion by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center for leave to file brief in excess of 20 pages , filed. (bah) (Entered: 10/25/2001)
10/24/2001	283	Exhibit list by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center, filed. (bah) (Entered: 10/25/2001)
10/24/2001	284	Preliminary Witness list by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center filed. (bah) (Entered: 10/25/2001)
10/24/2001	285	Expert report of Lyn Rucker by Plaintiffs, filed. (bah) (Entered: 10/25/2001)
10/24/2001	286	Expert report on Porvision of Specialized Services and Active Treatment of Elizabeth Jones, filed by Plaintiffs. (bah) (Entered: 10/25/2001)
10/24/2001	287	Reort on the Provision of Specialized Services and Active Treatment of Barbara Pilarcik, filed by Plaintiffs. (bah) (Entered: 10/25/2001)
10/24/2001	288	Report on the Provision of Specialized Services and Active Treatment of Andrew H. Dubin, M.D., filed by Plaintiff. (bah) (Entered: 10/25/2001)
10/24/2001	289	Report on the Provision of Speciaized Services and Active Treatment of James W. Conroy, Ph.D., filed by Plaintiffs. (bah) (Entered: 10/25/2001)

10/25/2001		Mag. Judge Kenneth P. Neiman. Endorsed Order granting [282-1] motion for leave to file brief in excess of 20 pages, ENTERED, cc:cl. (bah) (Entered: 10/25/2001)
10/25/2001	290	Memorandum by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center in support of [243-1] motion for further relief concerning specialized services, filed. (bah) (Entered: 10/25/2001)
10/26/2001	291	Ds' Motion in limine re: testimony of Jones and Pilarcik , filed. (jcs) (Entered: 10/26/2001)
10/29/2001	292	Ds' Motion, with supporting memorandum attached, in limine re: testimony of Rucker , filed. (jcs) Modified on 10/30/2001 (Entered: 10/29/2001)
10/29/2001	293	Ps' Motion in limine re: defts' experts' report , filed. (jcs) (Entered: 10/29/2001)
10/29/2001	294	Ps' Motion for leave to file memo. in excess of 20 pages , filed. (jcs) (Entered: 10/29/2001)
10/30/2001	295	Memorandum by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center in support of [293-1] motion in limine re: defts' experts' report , filed.(bah) Modified on 10/30/2001 (Entered: 10/30/2001)
10/30/2001		Mag. Judge Kenneth P. Neiman. Endorsed Order granting [294-1] motion for leave to file memo. in excess of 20 pages, ENTERED, cc:cl. (bah) (Entered: 10/30/2001)
10/31/2001	296	Plaintiff's amended Witness list by Loretta Rolland, et al., filed. c/s (mgl) (Entered: 10/31/2001)
10/31/2001	297	Pretrial memorandum by Argeo Paul Cellucci, Frederick A. Laskey, William D. O'Leary, Bruce M. Bullen, Gerald Morrissey, C. Bartels, Howard Koh, Teresa O'Hare in opposition to [243-1] motion for further relief concerning specialized services, filed, c/s. (bah) Modified on 10/31/2001 (Entered: 10/31/2001)
11/01/2001	298	Dft's tentative exhibit and Witness list by Argeo Paul Cellucci, et al., filed. c/s (mgl) (Entered: 11/01/2001)
11/01/2001	299	Motion in limine re:testimony via affidavit and submitting exhibits after 8/31/01 , filed. (jcs) (Entered: 11/02/2001)
11/01/2001	300	Response in opposition to [293-1] motion in limine re: defts' experts' report , filed. (jcs) (Entered: 11/02/2001)
11/02/2001	301	Dft's Response by Argeo Paul Cellucci in opposition to Ptf's [275-1] motion to compel production of documents by Division of Medical Assistance, filed. c/s (mgl) (Entered: 11/02/2001)
11/02/2001	302	Dft's Memorandum by Argeo Paul Cellucci, et al., in opposition to [293-1] motion in limine re: defts' experts' report, filed. c/s (mgl) (Entered: 11/02/2001)
11/05/2001		Mag. Judge Kenneth P. Neiman. Endorsed Order granting in part, denying in part [275-1] motion to compel production of documents by Division of Medical Assistance, ENTERED, cc:cl. "The motion is ALLOWED to the extent the court will review coertain documents, a list of which will be read to the parties in open court this day, in camera. As to the reamining documents, the motion is DENIED." (bah) (Entered: 11/06/2001)
11/05/2001		Mag. Judge Kenneth P. Neiman. Endorsed Order denying [293-1] motion in limine re: defts' experts' report ENTERED, cc:cl. "DENIED. At the conclusion of the evidentiary hearing, the court will consider the parties' respective arguments as to the weight to be accorded such testimony." (bah) (Entered: 11/06/2001)
11/05/2001		Mag. Judge Kenneth P. Neiman. Endorsed Order denying [291-1] motion in limine re: testimony of Jones and Pilarcik, ENTERED, cc:cl. "DENIED. At the conclusion of the evidentiary hearing, the court will consider the parties' respective arguments as to the weight to be accorded such testimony." (bah) (Entered: 11/06/2001)

11/05/2001		Mag. Judge Kenneth P. Neiman. Endorsed Order denying [292-1] motion in limine re: testimony of Rucker, ENTERED, cc:cl. "DENIED. At the conclusion of the evidentiary hearing, the court will consider the parties' respective arguments as to the weight to be accorded such testimony." (bah) (Entered: 11/06/2001)
11/05/2001	303	Mag. Judge Kenneth P. Neiman. Clerk's Notes re: bench trial day one. Testimony heard from Richard Shaw, Ellyn Zarek, Dr. James Conroy, Lyn Rucker, and Barbara Polarzik. Court adjourned for day at 4:50 p.m. Case to reconvene at 9:00 a.m. on 11/6/01. Court Reporter: Philbin & Associates (bah) (Entered: 11/06/2001)
11/06/2001		Mag. Judge Kenneth P. Neiman. Endorsed Order granting in part, denying in part [275-1] motion to compel production of documents by Division of Medical Assistance, ENTERED, cc:cl. "ALLOWED with respect to the documents listed by the court this afternoon in open court, but otherwise DENIED. So ordered." (bah) (Entered: 11/06/2001)
11/06/2001	304	Mag. Judge Kenneth P. Neiman. Clerk's Notes re: bench trial day two. Testimony continues with Barbara Polarzik, Elizabeth Jones, Andrew Dubin, Christine Oliviera, John Hart and Karen Green-McGowan. Pltf rests at 2:35 p.m. Defts' case begins with Dr. Kevin Walsh. Court adjourned at 5:00 p.m., to reconvene at 9:00 a.m. on 11/7/01. Court Reporter: Philbin & Associates (bah) (Entered: 11/06/2001)
11/07/2001	305	Mag. Judge Kenneth P. Neiman. Clerk's Notes re: bench trial day three. Testimony continues with Richard Schwartz, Peter Patras, Theodore Kastner, Mark Houser, Kelly Lawles sand Kathleen Coyle. Trial ends for the day at 5:00 p.m. to reconvene at 9:00 a.m. on 11/8/01, in Courtroom Three. Court Reporter: Philbin & Associates (bah) (Entered: 11/20/2001)
11/08/2001	306	Mag. Judge Kenneth P. Neiman. Clerk's Notes re: bench trial day four. Testimony ocontinues with Frederick Huintinton, Karen Williams, Kathleen Catano, and John Riley. Trial ends at 1:10 p.m. Following schedule was estd: parties to each file proposed findings of fact and legal briefs by 12/10/01. Court Reporter: Philbin & Associates (bah) (Entered: 11/20/2001)
11/09/2001		Mail sent to Thomas B. York. Returned by Post Office because: not deliverable as addressed.. (mef) (Entered: 11/09/2001)
11/27/2001	307	Joint motion by Loretta Rolland, Argeo Paul Cellucci to extend time to 12/21/01 to file proposed filings of fact and supplemental legal memoranda , filed. c/s . (mgl) (Entered: 11/27/2001)
11/28/2001		Mag. Judge Kenneth P. Neiman. Endorsed Order granting [307-1] joint motion to extend time to 12/21/01 to file proposed filings of fact and supplemental legal memoranda, ENTERED, cc:cl. (bah) (Entered: 11/28/2001)
11/30/2001	308	Transcript of proceedings for held on proceeding date: 11/07/01 before Judge: Neiman. Court Reporter: Virinia Lanou (mgl) (Entered: 11/30/2001)
11/30/2001	309	Transcript of proceedings for held on proceeding date: 11/05/01 before Judge: Neiman. Court Reporter: Sarah L. Mubarek (mgl) (Entered: 11/30/2001)
11/30/2001	310	Transcript of proceedings for held on proceeding date: 11/08/01 before Judge: Neiman. Court Reporter: Nichole S. Pouliot (mgl) (Entered: 11/30/2001)
12/03/2001	311	Transcript of Trial held on proceeding date: 11/06/2001 at 9:00 A.M. before Judge: Kenneth P. Neiman filed. Court Reporter: Kathleen M. Houghton. (mef) (Entered: 12/03/2001)
12/21/2001	312	Motion by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center for leave to file memo in excess of 20 pages , filed. (bah) (Entered: 12/21/2001)
12/21/2001	314	Findings of fact and conclusions of law by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Mass., Stavros Center, filed. (bah) (Entered: 01/02/2002)
12/21/2001	315	Findings of fact and conclusions of law by Argeo Paul Cellucci, Frederick A. Laskey, William D. O'Leary, Bruce M. Bullen, Gerald Morrissey, Elmer C.

		Bartels, Howard Koh, Teresa O'Hare , filed. (bah) (Entered: 01/02/2002)
12/21/2001	316	Trial Brief by Argeo Paul Cellucci, Frederick A. Laskey, William D. O'Leary, Bruce M. Bullen, Gerald Morrissey, Elmer C. Bartels, Howard Koh, Teresa O'Hare , filed. (bah) (Entered: 01/02/2002)
12/28/2001	313	Joint motion by Loretta Rolland, et al., and Argeo Paul Cellucci, et al., for leave to file memoranda in excess of twenty pages , filed. . c/s (mgl) (Entered: 12/28/2001)
01/02/2002		Mag. Judge Kenneth P. Neiman. Endorsed Order granting [312-1] motion for leave to file memo in excess of 20 pages ENTERED, cc:cl. (bah) (Entered: 01/02/2002)
01/02/2002	317	Memorandum by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center in support of [243-1] motion for further relief concerning specialized services, filed. (bah) (Entered: 01/02/2002)
01/02/2002		Mag. Judge Kenneth P. Neiman . Endorsed Order entered granting [313-1] joint motion for leave to file memoranda in excess of twenty pages; cc/cl. [EOD Date 1/7/02] (mef) (Entered: 01/07/2002)
01/07/2002		Mag. Judge Kenneth P. Neiman . Endorsed Order entered DENYING AS MOOT [299-1] motion in limine re:testimony via affidavit and submitting exhibits after 8/31/01; cc/cl. [EOD Date 1/7/02] (mef) (Entered: 01/07/2002)
01/09/2002	318	Notice of change of address filed by William P. O'Neill Argeo Paul Cellucci .c/s (mgl) (Entered: 01/09/2002)
01/09/2002	319	Motion by Argeo Paul Cellucci, Frederick A. Laskey, William D. O'Leary, Bruce M. Bullen, Gerald Morrissey, Elmer C. Bartels, Howard Koh, Teresa O'Hare for leave to file reply memorandum re: Specialized Services and Active Treatment , filed. (bah) (Entered: 01/11/2002)
01/10/2002		Mag. Judge Kenneth P. Neiman. Endorsed Order granting [319-1] motion for leave to file reply memorandum re: Specialized Services and Active Treatment, ENTERED, cc:cl. (bah) (Entered: 01/11/2002)
01/10/2002	320	Reply by Argeo Paul Cellucci, Frederick A. Laskey, William D. O'Leary, Bruce M. Bullen, Gerald Morrissey, Elmer C. Bartels, Howard Koh, Teresa O'Hare to response to [243-1] motion for further relief concerning specialized services , filed. (bah) (Entered: 01/11/2002)
01/14/2002	321	Mag. Judge Kenneth P. Neiman. Notice of Hearing ISSUED, cc:cl. set post-trial argument for 1/23/02 at 10:00 a.m. . (bah) (Entered: 01/14/2002)
01/23/2002		Mag. Judge Kenneth P. Neiman. Clerk's Notes re: hearing on [243-1] motion for further relief re: specialized services. Matter taken under advisement. Order to issue. Court Reporter: tape (bah) (Entered: 06/03/2002)
05/01/2002	322	Notice of change of address filed by Matthew Engel by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center . (mef) (Entered: 05/01/2002)
05/03/2002	323	Mag. Judge Kenneth P. Neiman . Memorandum and Order entered. granting [243-1] motion for further relief concerning specialized services [EOD Date 5/6/02] (jcs) (Entered: 05/06/2002)
05/24/2002	324	Notice of change of address filed by Richard D. Belin by Loretta Rolland. (bah) (Entered: 05/24/2002)
05/24/2002	325	Notice of appeal by Argeo Paul Cellucci, Frederick A. Laskey, William D. O'Leary, Bruce M. Bullen, Gerald Morrissey, Elmer C. Bartels, Howard Koh, Teresa O'Hare filed. Fee Status: pd Fee Amount: \$ 105.00 Receipt #: 304896 Appealing: [323-1] memorandum order. Appeal record due on 6/8/02. (bah) (Entered: 05/24/2002)
06/03/2002		Complete file and certified copy of the docket sheet forwarded to Jeanette Ramos, U.S.D.C., Boston. (bah) (Entered: 06/03/2002)



06/07/2002		Certified copy of docket and record on appeal forwarded to U.S. Court of Appeals re: [325-1] appeal. (jr) (Entered: 06/07/2002)
06/10/2002		US Court of Appeals Case Number assigned to [325-1] appeal: USCA NUMBER: 02-1697. (jr) (Entered: 06/10/2002)
07/05/2002	326	CERTIFICATION Report of Dft's compliance with the 5/3/02 [323-1] memorandum court order, by Argeo Paul Cellucci, et, al., filed. c/s (mgl) (Entered: 07/05/2002)
07/05/2002	327	Motion by Argeo Paul Cellucci to extend time to 7/17/02 to take independent expert eval. , filed. (laf) (Entered: 07/05/2002)
07/12/2002		Mag. Judge Kenneth P. Neiman. Endorsed Order granting [327-1] motion to extend time to 7/17/02 to take independent expert eval., ENTERED, cc:cl. (bah) (Entered: 07/12/2002)
07/16/2002	328	Ptf's Response by Loretta Rolland in opposition to Dft's [326-1] active treatment policy and certification report on compliance with the 5/3/02 order, filed. c/s (mgl) (Entered: 07/16/2002)
07/17/2002	329	Mag. Judge Kenneth P. Neiman. Order entered. On 7/16/2002, Ps' filed a pleading entitled "Ps' opp. to Ds' active treatment policy and certification report on compliance with the 5/03/2002 Order - [328-1]. Construing Ps' pleading as a two-part motion -- i.e., that the Court (1). " determine that...Ds' policy on 'active treatment' is inconsistent with its 5/03/2002 Order and (2.) "require the parties to participate in mediation..." -- the Court orders the Ds' to file an opp. to Ps' motion by 7/25/2002. Oral argument on Ps' motion set for 7/31/2002 at 10:00 A.M. (Wednesday); cc:cl. . [EOD Date 7/17/02] (mef) (Entered: 07/17/2002)
07/22/2002	330	Ds' Motion to ext. time to 7/31/2002 for independant expert evaluation by Ms. Karen Green McGowan filed. (mef) (Entered: 07/22/2002)
07/25/2002	331	Dft's response by Argeo Paul Cellucci to Ptf's [328-1] opposition to dft's active treatment policy and certification report on compliance with 5/3/02 order, filed. c/s (mgl) (Entered: 07/25/2002)
07/29/2002		Mag. Judge Kenneth P. Neiman. Endorsed Order granting [330-1] motion to ext. time to 7/31/2002 for independant expert evaluation by Ms. Karen Green McGowan, ENTERED, cc:cl. (bah) (Entered: 07/29/2002)
08/07/2002	332	Interrater Reliability, Validity and Accoracy Study of Massachusetts PASARR Instrument report by Karen Green McGowan, filed by Plaintiffs. (bah) (Entered: 08/07/2002)
08/14/2002	<u>333</u>	Mag. Judge Kenneth P. Neiman. Memorandum and Order granting in part, denying in part [328-1] Plaintiffs' opposition to Defendants' active treatment policy and certification report on compliance with May 3, 2003, Order, ENTERED, cc:cl. "...Defts shall file a redraft of the policy with the court no later than September 3, 2002. In redrafting the policy, Defendants shall immediately involve Plaintiffs' counsel. If Plaintiffs have continuing objections to the redrafted policy presented to the court, they shall indicate their objections in writing by September 10, 2002." See Memorandum and Order for further details. (bah) Modified on 08/14/2002 (Entered: 08/14/2002)
08/27/2002	334	Motion by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center for attorney fees and costs , filed. (bah) (Entered: 08/27/2002)
08/27/2002	335	Memorandum by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center in support of [334-1] motion for attorney fees and costs, filed, c/s. (bah) (Entered: 08/27/2002)
08/27/2002	336	Exhibits by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center [334-1] motion for attorney fees and costs, filed. (bah) (Entered: 08/27/2002)

08/30/2002	337	Assented to Motion by Loretta Rolland, et al., for leave to file an errata to the exhibits of Ps' motion for third award of attorney's fees and costs , filed, c/s. (mgl) Modified on 09/03/2002 (Entered: 08/30/2002)
09/03/2002		Mag. Judge Kenneth P. Neiman. Endorsed Order granting [337-1] motion for leave to file an errata to the exhibits of Ps' motion for third award of attorney's fees and costs ENTERED, cc:cl. (bah) (Entered: 09/03/2002)
09/03/2002		Revised exhibits to Ps' motion for third award of attorneys' fees and costs substituted for document no. 336. (bah) (Entered: 09/03/2002)
09/03/2002	338	Certification report on def's compliance w/Para 4 of 5/3/02 Court order (laf) (Entered: 09/03/2002)
09/05/2002	339	Certification report on defendants compliance with paragraph 4 of the May 3, 2002 Court Order. c/s (mgl) (Entered: 09/05/2002)
09/09/2002	340	Dft's Motion by Argeo Paul Cellucci, et al., to strike ptf's [334-1] third application for attorney fees and certification , filed. c/s (mgl) (Entered: 09/09/2002)
09/09/2002	341	Assented to motion by Loretta Rolland, et al. to extend time to 9/17/02 to file response to Defts' revised Active Treatment policy , filed. (bah) (Entered: 09/10/2002)
09/10/2002		Mag. Judge Kenneth P. Neiman. Endorsed Order granting [341-1] motion to extend time to 9/17/02 to file response to Defts' revised Active Treatment policy, ENTERED, cc:cl. (bah) (Entered: 09/10/2002)
09/13/2002	342	Notice of change of address filed by Richard D. Belin by Loretta Rolland. c/s (mgl) (Entered: 09/13/2002)
09/17/2002	343	STIPULATION (Motion) by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center , to ext. time to 9/20/2002 to resp. to Ds' Revised Policy on Active Treatment , filed. (mef) (Entered: 09/17/2002)
09/17/2002	344	Ps' resp. in opposition to [340-1] motion to strike ptf's [334-1] third application attorney fees and certification , filed. (mef) (Entered: 09/17/2002)
09/19/2002	345	Reply by Argeo Paul Cellucci, Frederick A. Laskey, William D. O'Leary, Bruce M. Bullen, Gerald Morrissey, Elmer C. Bartels, Howard Koh, Teresa O'Hare to response to [340-1] motion to strike ptf's [334-1] third application for attorney fees and certification , filed. (mef) (Entered: 09/19/2002)
09/19/2002	346	Resp. by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center in opposition to [339-1], [338-1] - Ds' Revised Policy on Active Treatment filed. (mef) (Entered: 09/23/2002)
09/19/2002		Mag. Judge Kenneth P. Neiman. Endorsed Order granting [343-1] stipulation motion to ext. time to 9/20/2002 to resp. to Ds' Revised Policy on Active, ENTERED, cc:cl. (bah) (Entered: 09/23/2002)
09/20/2002		Mag. Judge Kenneth P. Neiman. Endorsed Order granting [345-1] Ds' repoly to Ps' opp. to motion to strike and request for leave, ENTERED, cc:cl. "Request for leave ALLOWED." (bah) (Entered: 09/20/2002)
09/20/2002		Mag. Judge Kenneth P. Neiman. Endorsed Order denying [340-1] motion to strike ptf's [334-1] third appl. for attorney fees and certification, ENTERED, cc:cl. "Motion to strike DENIED. In denying the motion, the court is not rejecting Defendants' substantive arguments. It merely wants to give Defendants the opportunity to supplement their opposition to Plaintiffs' motion for fees--- treating Defendants' motion to strike as an initial opposition--- so as to address, among other items, the reasonableness of the times, rates and costs claimed by Plaintiffs. Defendants shall file their supplementary opposition if any, by October 11, 2002. Plaintiffs may reply to the consolidated opposition no later than November 1, 2002. It is so ordered." Response to motion due 10/11/02 for [334-1] motion for attorney fees and costs , Reply to Response to Motion due 11/1/02 for [334-1] motion for attorney fees and costs . (bah) (Entered: 09/20/2002)

10/01/2002	347	Ps' STIPULATION (Motion) for leave to file an Errata to the Exhibits to their motion for Third Award of Attorneys' Fees and Costs , filed. (mef) (Entered: 10/01/2002)
10/01/2002		Mag. Judge Kenneth P. Neiman. Endorsed Order granting [347-1] stipulation motion for leave to file an Errata to the Exhibits to their motion for Third Award of Attorneys' Fees and Costs, ENTERED, cc:cl. (bah) (Entered: 10/02/2002)
10/04/2002	348	Motion by Argeo Paul Cellucci for leave to file reply to ptf's opposition to dft's revised active treatment policy , filed. (mgl) (Entered: 10/04/2002)
10/07/2002	349	Dft's Reply/response by Argeo Paul Cellucci, et al., to ptf's [346-1] opposition to dft's revised policy on active treatment, filed. c/s (mgl) Modified on 10/11/2002 (Entered: 10/11/2002)
10/07/2002		Mag. Judge Kenneth P. Neiman. Endorsed Order granting [348-1] motion for leave to file reply to ptf's opposition to dft's revised active treatment policy, ENTERED, cc:cl. (bah) (Entered: 11/13/2002)
10/11/2002	350	Dft's Response by Argeo Paul Cellucci, et al., in opposition to ptf's [334-1] motion for a third award of attorney fees and costs, filed. c/s (mgl) Modified on 10/11/2002 (Entered: 10/11/2002)
11/01/2002	351	Pltfs.' Motion for leave to file memo. in excess of 20 pages , filed. (mgl) (Entered: 11/01/2002)
11/01/2002		Mag. Judge Kenneth P. Neiman . Endorsed Order entered granting [351-1] motion for leave to file memo. in excess of 20 pages . [EOD Date 11/1/02] (jcs) (Entered: 11/01/2002)
11/01/2002	352	Reply to response to [334-1] motion for attorney fees and costs , filed. (jcs) (Entered: 11/01/2002)
11/01/2002		Mag. Judge Kenneth P. Neiman . Endorsement re: [346-1] opposition response . Treated as a motion the response is ALLOWED as outlined in the endorsement. (jcs) (Entered: 11/04/2002)
11/01/2002		Motion hearing re: Ps' opp. to Deft's revised policy on active treatment. Arguments heard. Parties reach partial agreement. Remainder of matter taken under advisement with order to issue. Court Reporter: tape nos. 02-89,90 (bah) (Entered: 11/08/2002)
11/01/2002	353	Mag. Judge Kenneth P. Neiman. Clerk's Notes: re: hearing on Ps' opp to Ds' policy on active treatment. Partial agreement reached. Remainder taken under advisement. Court Reporter: tape no. 02-89,90 (bah) (Entered: 11/08/2002)
02/05/2003	354	Notice of withdrawal of counsel by attorney Peter T. Wechsler for Teresa O'Hare, attorney Peter T. Wechsler for Howard Koh, attorney Peter T. Wechsler for Elmer C. Bartels, attorney Peter T. Wechsler for Gerald Morrissey, attorney Peter T. Wechsler for Bruce M. Bullen, attorney Peter T. Wechsler for William D. O'Leary filed. c/s (mgl) (Entered: 02/05/2003)
02/26/2003	355	Mandate of US Court of Appeals re: [325-1] appeal affirming the judgment of the district court. (jr) (Entered: 02/26/2003)
02/26/2003		Record on appeal returned from U.S. Court of Appeals, re: [325-1] appeal. (jr) (Entered: 02/26/2003)
02/26/2003	<u>356</u>	Mag. Judge Kenneth P. Neiman . Memorandum and Order entered DENYING, Ps' motion for third award of fees and costs without prejudice - [334-1] and orders that by 4/16/2003, they file an application for attorneys' fees and costs for all efforts on their behalf through calender year 2002; cc/cl. Set motion for attorneys' fees and costs filing deadline for 4/16/2003. [EOD Date 2/27/03] (mef) (Entered: 02/27/2003)
04/16/2003	<u>357</u>	Ps' Motion for a Fourth Award for attorney , and for costs , filed. (mef) (Entered: 04/16/2003)

04/16/2003	<u>358</u>	Ps' Memorandum in support of [357-1] motion for attorney, [357-2] motion for costs , filed. (mef) (Entered: 04/16/2003)
04/16/2003	359	Ps' Exhibits 1 – 19 filed in support of [357-1] motion for attorney, [357-2] motion for costs. (mef) (Entered: 04/16/2003)
04/23/2003	360	Ps' Revised Third Suppl. Affidavit of Matthew Engel in support of [357-1] motion for attorney, [357-2] motion for costs filed. (mef) (Entered: 04/23/2003)
04/29/2003	361	Ds' STIPULATION (Motion) to ext. time to 5/21/2003 to resp. to Ps' motion for fourth award of attorney's fees and costs filed. (mef) (Entered: 04/29/2003)
04/30/2003		Mag. Judge Kenneth P. Neiman. Endorsed Order granting [361-1] stipulation motion to ext. time to 5/21/2003 to resp. to Ps' motion for fourth award of attorney's fees and costs, ENTERED, cc:cl. Response to motion reset to 5/21/03 for [357-1] motion for attorney, and for costs (bah) (Entered: 04/30/2003)
05/14/2003	362	Motion by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center for order to show cause and for further injunctive relief , filed. c/s (mgl) (Entered: 05/14/2003)
05/14/2003	363	Memorandum by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center in support of [362-1] motion for order to show cause and for further injunctive relief , filed. c/s (mgl) (Entered: 05/14/2003)
05/20/2003	<u>364</u>	ORDER of USCA as to 325 Notice of Appeal, filed by Gerald Morrissey, Bruce M. Bullen, Argeo Paul Cellucci, Elmer C. Bartels, Frederick A. Laskey, Howard Koh, William D. O'Leary, Teresa O'Hare; Appellants' motion to remit the appellees' request for attorney's fees for the appeal to the district court is granted. (Ramos, Jeanette) (Entered: 05/20/2003)
05/20/2003	<u>365</u>	Ds' Assented to MOTION to ext. time to 5/30/2003 to file their opp. to Ps' consolidated third and fourth req. for attorneys' fees filed.(Finn, Mary) (Entered: 05/20/2003)
05/20/2003		Judge Kenneth P. Neiman : Endorsed ORDER entered granting <u>365</u> Motion to ext. time to 5/30/2003 to resp. to Ps' Third and Fourth motion for attorney's fees; cc/cl. (Finn, Mary) (Entered: 05/20/2003)
05/20/2003	<u>366</u>	NOTICE of appearance of William W. Porter for the Defts. Elmer C. Bartels, Argeo Paul Cellucci, Howard Koh, Frederick A. Laskey, Gerald Morrissey, Teresa O'Hare, William D. O'Leary and substitution for Judith S. Yogman filed. (Finn, Mary) (Entered: 05/20/2003)
05/28/2003	<u>367</u>	Dft's MOTION to enlarge Time to 6/18/03 to Respond to Ptf' s 362 Motion for Show Cause and for injuctive relief., by Argeo Paul Cellucci.(Lindsay, Maurice) (Entered: 05/28/2003)
05/28/2003	<u>368</u>	CERTIFICATE OF SERVICE by Argeo Paul Cellucci re <u>367</u> MOTION for Extension of Time to 6/18/03 to File Response/Reply as to 362 Motion for Order to Show Cause. (Lindsay, Maurice) (Entered: 05/28/2003)
05/28/2003	<u>369</u>	P's resp. to Ds' <u>367</u> MOTION for Extension of Time to 6/18/03 to File Response/Reply as to 362 Motion for Order to Show Cause filed.(Finn, Mary) (Entered: 05/28/2003)
05/30/2003	370	Judge Kenneth P. Neiman : Electronic ORDER entered Affirming <u>367</u> Motion for Extension of Time to File Response/Reply ALLOWED as follows: Defendants shall file their response by June 13, 2003, to which Plaintiffs may reply by June 20, 2003. A hearing on the motion shall be held on June 27, 2003, at 10:00 a.m. SO ORDERED. (Neiman, Kenneth) (Entered: 05/30/2003)
05/30/2003	<u>371</u>	MEMORANDUM in Opposition re <u>357</u> Consolidated Third and Fourth Motion for Attorney Fees and for Costs filed by Defendants, filed, c/s.(Healy, Bethaney) (Entered: 06/02/2003)

06/06/2003	<u>372</u>	Assented to MOTION for Leave to File reply brief with respect to Ptf's motion for a third award of atty's fees and extension of time to file brief. by Loretta Rolland, et al.(Lindsay, Maurice) (Entered: 06/06/2003)
06/09/2003	<u>373</u>	AFFIDAVIT of Andrea H. Maislen. (Lindsay, Maurice) (Entered: 06/09/2003)
06/12/2003		Judge Kenneth P. Neiman : electronic ORDER entered granting <u>372</u> Motion for Leave to File reply regarding motion for fourth award of attorneys's fees. (Neiman, Kenneth) (Entered: 06/12/2003)
06/12/2003	<u>374</u>	Ptf's Brief in Support of it's <u>372</u> MOTION for a forth award of Atty's fees filed by Loretta Rolland. (Lindsay, Maurice) (Entered: 06/12/2003)
06/13/2003	<u>375</u>	D's MOTION for Leave to File memo in excess of twenty (20) pages filed.(Finn, Mary) (Entered: 06/16/2003)
06/13/2003	<u>376</u>	Ds' MOTION for Leave to File to file confidential client records under seal filed.(Finn, Mary) (Entered: 06/16/2003)
06/16/2003		Judge Kenneth P. Neiman : Electronic ORDER entered granting <u>375</u> Motion for Leave to File a brief in excess of twenty (20) pages; cc/cl. (Finn, Mary) (Entered: 06/16/2003)
06/16/2003	<u>377</u>	RESPONSE to Motion re 362 Motion for Order to Show Cause filed by Elmer C. Bartels, Bruce M. Bullen, Argeo Paul Cellucci, Howard Koh, Frederick A. Laskey, Gerald Morrissey, Teresa O'Hare, William D. O'Leary filed. (Finn, Mary) (Entered: 06/16/2003)
06/16/2003	<u>378</u>	SECOND AFFIDAVIT of Julia Knowles in Support re <u>377</u> Response to Motion. filed.(Finn, Mary) Modified on 6/16/2003 (Finn, Mary). (Entered: 06/16/2003)
06/16/2003	<u>379</u>	SECOND AFFIDAVIT of Rick Huntington in Support re <u>377</u> Response to Motion filed.. (Finn, Mary) Modified on 6/16/2003 (Finn, Mary). (Entered: 06/16/2003)
06/16/2003	<u>380</u>	AFFIDAVIT of Sally Mueller in Support re <u>377</u> Response to Motion filed.(Finn, Mary) (Entered: 06/16/2003)
06/16/2003	<u>381</u>	AFFIDAVIT of Susan Davison in Support re <u>377</u> Response to Motion filed.. (Finn, Mary) (Entered: 06/16/2003)
06/16/2003	<u>382</u>	AFFIDAVIT of Beth Coyne in Opposition re <u>377</u> Response to Motion filed. (Finn, Mary) (Entered: 06/16/2003)
06/16/2003	<u>383</u>	AFFIDAVIT of Karyn Dion in Support re <u>377</u> Response to Motion filed. (Finn, Mary) (Entered: 06/16/2003)
06/16/2003	<u>384</u>	AFFIDAVIT of Judith Berry Williams in Support re <u>377</u> Response to Motion filed. (Finn, Mary) (Entered: 06/16/2003)
06/16/2003	<u>385</u>	AFFIDAVIT of Karen Williams in Support re <u>377</u> Response to Motion filed. (Finn, Mary) (Entered: 06/16/2003)
06/16/2003	<u>386</u>	AFFIDAVIT of Amy Korstvedt Nazaire in Support re <u>377</u> Response to Motion filed. (Finn, Mary) (Entered: 06/16/2003)
06/16/2003	<u>387</u>	CERTIFICATE OF SERVICE by Elmer C. Bartels, Bruce M. Bullen, Argeo Paul Cellucci, Howard Koh, Frederick A. Laskey, Teresa O'Hare, William D. O'Leary re <u>383</u> Affidavit in Support, <u>377</u> Response to Motion, <u>384</u> Affidavit in Support, <u>378</u> Affidavit in Support, <u>385</u> Affidavit in Support, <u>379</u> Affidavit in Support, <u>386</u> Affidavit in Support, <u>380</u> Affidavit in Support, <u>381</u> Affidavit in Support, <u>382</u> Affidavit in Opposition. (Finn, Mary) (Entered: 06/16/2003)
06/23/2003	<u>388</u>	REPLY MEMORANDUM in Support re 362 Motion for Order to Show Cause filed by ACR Massachusetts, Bruce Ames, Frederick Cooper, Leslie Francis, Terry Newton, Margaret Pinette, Timothy Raymond, Loretta Rolland, Stavros Center for Independent Living filed.(Finn, Mary) (Entered: 06/23/2003)
06/23/2003		Judge Kenneth P. Neiman : electronic ORDER entered granting <u>376</u> Motion for Leave to File Confidential Records under Seal. (Neiman, Kenneth) (Entered: 06/23/2003)

07/23/2003	<u>389</u>	Magistrate Judge Kenneth P. Neiman.MEMORANDUM ANDORDER denying 362 Motion for Order to Show Cause, ENTERED, cc:cl. (Healy, Bethaney) (Entered: 07/25/2003)
08/15/2003	<u>390</u>	Assented—to MOTION for Extension of Time to 8/19/03 to File its seventh semi—annual report until August 19, 2003 by Argeo Paul Cellucci.(Lindsay, Maurice) (Entered: 08/18/2003)
08/18/2003		Magistrate Judge Kenneth P. Neiman.ELECTRONIC ORDER granting <u>390</u> Motion for Extension of Time to File Seventh Semi—Annual Report until 8/19/03, ENTERED, cc:cl. (Healy, Bethaney) (Entered: 08/18/2003)
09/03/2003	<u>391</u>	(Assented to) MOTION for Extension of Time to 9/5/03 to File Seventh semi—annual report by Elmer C. Bartels, Bruce M. Bullen, Argeo Paul Cellucci, Howard Koh, Frederick A. Laskey, Gerald Morrissey, Teresa O'Hare, William D. O'Leary.(Healy, Bethaney) (Entered: 09/03/2003)
09/03/2003		Magistrate Judge Kenneth P. Neiman.ELECTRONIC ORDER granting <u>391</u> Motion for Extension of Time to File Seventh Semi—Annual Report until 9/5/03, ENTERED, cc:cl. (Healy, Bethaney) (Entered: 09/03/2003)
10/03/2003	<u>392</u>	NOTICE of supplemental authority, relevant to Ptf's pending 334 motion for attorney's fees by Ptf's Loretta Rolland, et at., (Lindsay, Maurice) (Entered: 10/03/2003)
11/20/2003	<u>393</u>	Judge Kenneth P. Neiman : MEMORANDUM ANDORDER re: Pltfs' motion for attorneys' fees and costs – <u>357</u> . The Pltfs' motion for attorneys' fees is ALLOWED in the amount of \$781,496.00, plus such costs as have been agreed upon by the parties; cc./cl. (Finn, Mary) (Entered: 11/20/2003)
10/20/2004		Civil Case Administratively Terminated. (Healy, Bethaney) (Entered: 10/20/2004)
08/25/2005	<u>394</u>	Assented to MOTION for Protective Order by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center for Independent Living. (Attachments: # <u>1</u> Text of Proposed Order Supplemental Protective Order)(Costanzo, Cathy) (Entered: 08/25/2005)
08/26/2005		Judge Kenneth P. Neiman : Electronic ORDER entered granting <u>394</u> assented—to Motion for Protective Order. Order to issue forthwith. (Neiman, Kenneth) (Entered: 08/26/2005)
08/26/2005	<u>395</u>	Judge Kenneth P. Neiman : PROTECTIVE ORDER entered.(Stuckenbruck, John) (Entered: 08/26/2005)
04/11/2006	<u>396</u>	MOTION Order to Provide Active Treatment by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center for Independent Living.(Costanzo, Cathy) (Entered: 04/11/2006)
04/11/2006	<u>397</u>	MEMORANDUM in Support re <u>396</u> MOTION Order to Provide Active Treatment filed by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center for Independent Living. (Costanzo, Cathy) Additional attachment(s) added on 4/11/2006 (Finn, Mary). Additional attachment(s) added on 10/6/2006 (Finn, Mary). (Entered: 04/11/2006)
04/12/2006	<u>398</u>	NOTICE of Appearance by David A. Guberman on behalf of all defendants (Guberman, David) Additional attachment(s) added on 4/18/2006 to replace the unsigned document with a signed copy. (Lindsay, Maurice). (Entered: 04/12/2006)
04/24/2006	<u>399</u>	MOTION for Extension of Time to May 15, 2006 to File Response/Reply by Argeo Paul Cellucci, Frederick A. Laskey, William D. O'Leary, Bruce M. Bullen, Gerald Morrissey, Elmer C. Bartels, Howard Koh, Teresa O'Hare.(Guberman, David) (Entered: 04/24/2006)
04/24/2006		Judge Kenneth P. Neiman : Electronic ORDER entered granting <u>399</u> Defendants' assented—to Motion for Extension of Time to May 15, 2006, to File Response/Reply to Plaintiffs' Motion for Noncompliance and Further Relief.

		(Neiman, Kenneth) (Entered: 04/24/2006)
04/24/2006		Case Reopened (Healy, Bethaney) (Entered: 04/24/2006)
04/24/2006		NOTICE issued to Attorney Matthew Engel regarding mandatory registration with ECF in compliance with the Standing Order entered by Judge Ponsor and Magistrate Judge Neiman. (Healy, Bethaney) (Entered: 04/24/2006)
05/04/2006	<u>400</u>	<i>Request for Hearing</i> Letter/request (non-motion) from Steven Schwartz <i>On Motion for Noncompliance and Further Relief</i> . (Schwartz, Steven) Additional attachment(s) added on 5/30/2006 (Lindsay, Maurice). (Entered: 05/04/2006)
05/04/2006	<u>401</u>	MOTION Lift Stay and Further Relief <i>with Respect to Diversion</i> by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center for Independent Living.(Schwartz, Steven) Additional attachment(s) added on 5/30/2006 (Lindsay, Maurice). (Entered: 05/04/2006)
05/04/2006	<u>402</u>	MEMORANDUM in Support re <u>401</u> MOTION Lift Stay and Further Relief <i>with Respect to Diversion</i> filed by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center for Independent Living. (Attachments: # 1 Exhibit Settlement Agreement# 2 Exhibit Fairness Hearing Transcript 1-32# 3 Exhibit Fairness Hearing Transcript pp33-68# 4 Exhibit Fairness Hearing Transcript pp69-99# 5 Exhibit Declaration C. Lakin# 6 Exhibit Population Chart# 7 Exhibit Consolidated Diversion Plan# 8 Exhibit New Admissions 1/1/06# 9 Exhibit Affidavit Sue Gant# 10 Exhibit Letter M. Meacham# 11 Exhibit Report by C. Lakin pp1-9# 12 Exhibit Report by C. Lakin pp 20-40)(Schwartz, Steven) Additional attachment(s) added on 5/30/2006 (Lindsay, Maurice). (Entered: 05/04/2006)
05/05/2006	<u>403</u>	NOTICE of Appearance by Catherine H. Wicker on behalf of all plaintiffs (Wicker, Catherine) Additional attachment(s) added on 5/24/2006 (Lindsay, Maurice). (Entered: 05/05/2006)
05/05/2006	<u>404</u>	NOTICE of Appearance by Jeffrey S. Follett on behalf of all plaintiffs (Follett, Jeffrey) Additional attachment(s) added on 5/24/2006 (Lindsay, Maurice). (Entered: 05/05/2006)
05/16/2006	<u>405</u>	MOTION for Extension of Time to 05/23/2006 to File Response/Reply as to Order on Motion for Extension of Time to File Response/Reply by Argeo Paul Cellucci.(Roney, Deirdre) (Entered: 05/16/2006)
05/16/2006	<u>406</u>	NOTICE of Appearance by Deirdre Roney on behalf of all defendants (Roney, Deirdre) (Entered: 05/16/2006)
05/17/2006		Judge Kenneth P. Neiman : Electronic ORDER entered granting <u>405</u> Defendants' assented-to Motion for Extension of Time. The dates set forth in the motion for the responses and replies are acceptable to the court. So ordered. (Neiman, Kenneth) (Entered: 05/17/2006)
05/23/2006	<u>407</u>	MOTION for Leave to File Excess Pages by Argeo Paul Cellucci.(Roney, Deirdre) (Entered: 05/23/2006)
05/23/2006	<u>408</u>	Opposition re <u>396</u> MOTION Order to Provide Active Treatment filed by Argeo Paul Cellucci. (Attachments: # <u>1</u> Affidavit # <u>2</u> Affidavit # <u>3</u> Affidavit # <u>4</u> Affidavit # <u>5</u> Affidavit # <u>6</u> Affidavit # <u>7</u> Affidavit # <u>8</u> Exhibit # <u>9</u> Affidavit # <u>10</u> Affidavit # <u>11</u> Affidavit # <u>12</u> Affidavit # <u>13</u> Affidavit # <u>14</u> Affidavit # <u>15</u> Affidavit)(Roney, Deirdre) Additional attachment(s) added on 6/2/2006 (Lindsay, Maurice). (Entered: 05/23/2006)
05/24/2006		Notice of correction to docket made by Court staff. Correction: Notice of Appearances Dkt #'s 403 and 404 corrected to substitute unsigned originals with signed copies (Lindsay, Maurice) (Entered: 05/24/2006)
05/24/2006		Judge Kenneth P. Neiman : Electronic ORDER entered granting <u>407</u> Defendants' assented-to Motion for Leave to File Excess Pages. (Neiman, Kenneth) (Entered: 05/24/2006)

05/30/2006		Notice of correction to docket made by Court staff. Corrections to Dkt #'s 400, 401 & 402 corrected to substitute unsigned originals with signed copies (Lindsay, Maurice) (Entered: 05/30/2006)
06/09/2006	<u>409</u>	REPLY to Response to Motion re <u>396</u> MOTION Order to Provide Active Treatment filed by all plaintiffs. (Attachments: # <u>1</u> Exhibit Active Treatment Measuring Device)(Schwartz, Steven) (Entered: 06/09/2006)
06/09/2006	<u>410</u>	MOTION for Hearing re <u>396</u> MOTION Order to Provide Active Treatment by all plaintiffs. (Attachments: # <u>1</u> Text of Proposed Order Scheduling Order)(Schwartz, Steven) (Entered: 06/09/2006)
06/14/2006	<u>411</u>	Opposition re <u>410</u> MOTION for Hearing re <u>396</u> MOTION Order to Provide Active Treatment filed by all defendants. (Attachments: # <u>1</u> Affidavit # <u>2</u> Exhibit # <u>3</u> Exhibit)(Roney, Deirdre) (Entered: 06/14/2006)
06/14/2006		ELECTRONIC NOTICE of Hearing on Motion <u>410</u> MOTION for Hearing re <u>396</u> MOTION Order to Provide Active Treatment ISSUED, cc:cl. Motion Hearing set for 6/21/2006 at 2:00 PM in Courtroom 3 before Magistrate Judge Kenneth P. Neiman. (Healy, Bethaney) (Entered: 06/14/2006)
06/15/2006	<u>412</u>	MOTION for Extension of Time to July 6, 2006 to Hold hearing presently scheduled for June 21, 2006 by all parties.(Roney, Deirdre) (Entered: 06/15/2006)
06/15/2006		Judge Kenneth P. Neiman : Electronic ORDER entered granting <u>412</u> Joint Motion to Reschedule Hearing to July 6, 2006, at 11:00 a.m. (Neiman, Kenneth) (Entered: 06/15/2006)
06/16/2006	<u>413</u>	Opposition re <u>401</u> MOTION Lift Stay and Further Relief <i>with Respect to Diversion</i> filed by all defendants. (Attachments: # <u>1</u> Affidavit Grzywacz affidavit# <u>2</u> Exhibit Grzywacz affidavit exhibit# <u>3</u> Affidavit Maislen affidavit# <u>4</u> Affidavit Weston affidavit# <u>5</u> Affidavit Young affidavit)(Roney, Deirdre) (Entered: 06/16/2006)
06/19/2006	<u>414</u>	Assented to MOTION for Leave to File <i>Reply to Defendants' Opposition to Discovery</i> by all plaintiffs.(Schwartz, Steven) (Entered: 06/19/2006)
06/19/2006	<u>415</u>	REPLY to Response to Motion re <u>414</u> Assented to MOTION for Leave to File <i>Reply to Defendants' Opposition to Discovery</i> filed by all plaintiffs. (Attachments: # <u>1</u> Exhibit)(Schwartz, Steven) (Entered: 06/19/2006)
06/20/2006		Judge Kenneth P. Neiman : Electronic ORDER entered granting <u>414</u> Plaintiffs' assented—to Motion for Leave to File Reply. (Neiman, Kenneth) (Entered: 06/20/2006)
06/30/2006	<u>416</u>	REPLY to Response to Motion re <u>401</u> MOTION Lift Stay and Further Relief <i>with Respect to Diversion</i> filed by all plaintiffs. (Attachments: # <u>1</u> Exhibit Affidavit of Steven Schwartz)(Schwartz, Steven) (Entered: 06/30/2006)
07/06/2006		Electronic Clerk's Notes for proceedings held before Magistrate Judge Kenneth P. Neiman. Counsel appear for Scheduling Conference re: pending motions held on 7/6/2006. Colloquy re: status of matter. Scheduling Order to issue. (Court Reporter FTR (11:30 a.m.) (Healy, Bethaney) (Entered: 07/06/2006)
07/06/2006		Judge Kenneth P. Neiman : Electronic ORDER entered, for the reasons stated in court this day, granting in part and denying in part <u>410</u> Plaintiffs' Motion for Scheduling Conference and Order. The discovery shut-off date with regard to <u>396</u> Plaintiffs' Motion for Order to Provide Active Treatment is December 31, 2005. By July 17, 2006, Defendants are to provide Plaintiffs copies of all documents related to the twenty-person sample reviewed by Plaintiffs' expert. Plaintiffs' expert may file a supplement to her report by August 31, 2006. A non-evidentiary hearing on Plaintiffs' "active treatment" motion is scheduled for October 4, 2006, at 10:00 a.m. So ordered.(Neiman, Kenneth) (Entered: 07/06/2006)
07/17/2006		ELECTRONIC NOTICE of Hearing ISSUED, cc:cl. Hearing on <u>401</u> MOTION to Lift Stay and Further Relief <i>with Respect to Diversion</i> set for 8/28/2006 at 2:00 PM in Courtroom 3 before Magistrate Judge Kenneth P. Neiman. (Healy, Bethaney) (Entered: 07/17/2006)



07/19/2006	<u>417</u>	Assented to MOTION for Extension of Time to After September 7, 2006 to Hearing on Docket No. 401 ( <i>Plaintiffs' Diversion Motion</i> ) by all defendants.(Roney, Deirdre) (Entered: 07/19/2006)
07/20/2006		Magistrate Judge Kenneth P. Neiman. ELECTRONIC ORDER granting <u>417</u> Motion to Reschedule Hearing on Diversion Motion, ENTERED,cc:cl. ALLOWED. The hearing is continued to September 25, 2006, at 2:00 p.m. in Courtroom Three. So ordered. (Healy, Bethaney) (Entered: 07/20/2006)
07/20/2006		Set/Reset Deadlines as to <u>401</u> MOTION Lift Stay and Further Relief <i>with Respect to Diversion</i> . Motion Hearing set for 9/25/2006 at 2:00 PM in Courtroom 3 before Magistrate Judge Kenneth P. Neiman. (Healy, Bethaney) (Entered: 07/20/2006)
07/31/2006		Set/Reset Deadlines as to A non-evidentiary Hearing on Ptf's <u>396</u> MOTION Order to Provide Active Treatment, is set for 10/4/2006 at 10:00 AM in Courtroom 3 before Magistrate Judge Kenneth P. Neiman. (Lindsay, Maurice) (Entered: 07/31/2006)
08/24/2006	<u>418</u>	MEMORANDUM OF LAW by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center for Independent Living to Order on Motion for Hearing,,. (Schwartz, Steven) (Entered: 08/24/2006)
08/24/2006	<u>419</u>	Response by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center for Independent Living to Order on Motion for Hearing,, <i>Supplemental Report on Active Treatment part 1</i> . (Attachments: # 1 Supplemental Report part 2# 2 Attachments to Supplemental Report# 3 Revised Individual Profiles part 1# 4 Revised Individual Profiles part 2# 5 Revised Individual Profiles Part 3# 6 Revised Individual Profiles Part 4# 7 Revised Individual Profiles Part 5# 8 Revised Individual Profiles Part 6)(Schwartz, Steven) Additional attachment(s) added on 10/6/2006 (Finn, Mary). (Entered: 08/24/2006)
09/25/2006		Electronic Clerk's Notes for proceedings held before Magistrate Judge Kenneth P. Neiman. Counsel appear for Motion Hearing held on 9/25/2006 re <u>401</u> MOTION Lift Stay and Further Relief <i>with Respect to Diversion</i> filed by Loretta Rolland,, Terry Newton,, Bruce Ames,, Frederick Cooper,, Margaret Pinette,, Leslie Francis,, Timothy Raymond,, ACR Massachusetts,, Stavros Center for Independent Living. Arguments heard. Supplemental reply to be submitted within 5 days. Matter taken under advisement. (Court Reporter FTR (2:00 p.m.)) (Healy, Bethaney) (Entered: 09/27/2006)
09/29/2006	<u>420</u>	SUR-REPLY to Motion re <u>396</u> MOTION Order to Provide Active Treatment <i>Defendants' Reply to Plaintiffs' Supplemental Expert Report and Memo</i> filed by all defendants. (Roney, Deirdre) (Entered: 09/29/2006)
10/04/2006		Electronic Clerk's Notes for proceedings held before Magistrate Judge Kenneth P. Neiman. Counsel (Attys Schwartz, Laski, Follett, Engel, Roney, Meacham) appear for Motion Hearing held on 10/4/2006 re <u>396</u> MOTION Order to Provide Active Treatment filed by Plaintiffs. Court informs counsel that Exhibit 2 to <u>397</u> Memorandum is unredacted and that counsel should provide the clerk's office with a redacted copy at their earliest convenience. Court instructs clerk to seal Exhibit 2 pending receipt of the redacted copy. Arguments heard. Matter taken under advisement. Defts may file their further reply of no more than 15 pages by no later than 11/1/06, to which Pltfs may file a response of no more than 8 pages by no later than 11/9/06. (Court Reporter FTR (10:00 a.m.)) (Healy, Bethaney) Modified on 10/11/2006 (correcting page limits) (Healy, Bethaney). (Entered: 10/04/2006)
10/11/2006		Remark: Clerk received telephone call from Atty Roney verifying permitted length of supplemental memo re: active treatment. Defendants' memorandum shall be filed by no later than 11/1/06 and should be limited to 15 pages. Plaintiffs' surreply shall be filed by no later than 11/9/06 and shall be limited to 8 pages. (Healy, Bethaney) (Entered: 10/11/2006)
11/01/2006	<u>421</u>	Supplemental MEMORANDUM in Opposition re <u>396</u> MOTION Order to Provide Active Treatment <i>As Authorized by J. Neiman 10/4/06</i> filed by all defendants. (Attachments: # <u>1</u> Appendix Attachment A# <u>2</u> Appendix Attachment B-1# <u>3</u> Appendix Attachment B-2# <u>4</u> Appendix Attachment B-3# <u>5</u> Appendix

		Attachment B-4# <u>6</u> Appendix Attachment B-5# <u>7</u> Appendix Attachment B-6# <u>8</u> Appendix Attachment B-7# <u>9</u> Appendix Attachment B-8# <u>10</u> Appendix Attachment B-9# <u>11</u> Appendix Filing letter)(Roney, Deirdre) (Entered: 11/01/2006)
11/07/2006	<u>422</u>	REPLY to Response to Motion re <u>396</u> MOTION Order to Provide Active Treatment <i>Plaintiffs' Response to Defendants' Supplemental Opposition to Motion on Active Treatment</i> filed by all plaintiffs. (Schwartz, Steven) (Entered: 11/07/2006)
12/04/2006	423	TRANSCRIPT of Hearing held on September 25, 2006 before Judge Kenneth P. Neiman filed. Court Reporter: Tape. Digital Recording: Yes. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter or the Clerk's Office. (Finn, Mary) (Entered: 12/04/2006)
12/04/2006	424	TRANSCRIPT of Hearing held on October 4, 2006 before Judge Kenneth P. Neiman filed. Court Reporter: Tape. Digital Recording: Yes. The original transcripts are maintained in the case file in the Clerk's Office. Copies may be obtained by contacting the court reporter or the Clerk's Office. (Finn, Mary) (Entered: 12/04/2006)
01/16/2007	<u>425</u>	Magistrate Judge Kenneth P. Neiman. MEMORANDUM AND ORDER with regard to <u>401</u> Plaintiffs' Motion for an Order of Noncompliance with the Diversion Provisions of the Settlement Agreement, to Lift the Stay and for further relief, ENTERED, cc:cl. "For the reasons stated, the court finds Defendants have substantially complied with Paragraph 12 of Settlement Agreement. Accordingly, Plaintiffs' motion is DENIED. However, as explained, the court considers withdrawing its prior approval of the diversion plan unless, within forty-five days, Defendants either (1) show cause why the plan ought not to remain in place or (2) present a new plan for the court's approval." (Healy, Bethaney) (Entered: 01/16/2007)
03/01/2007	<u>426</u>	NOTICE of Appearance by Kenneth W. Salinger on behalf of Frederick A. Laskey, William D. O'Leary, Bruce M. Bullen, Gerald Morrissey, Elmer C. Bartels, Howard Koh, Teresa O'Hare, Deval Patrick (Salinger, Kenneth) (Entered: 03/01/2007)
03/01/2007	<u>427</u>	Assented to MOTION for Extension of Time to March 16, 2007 to File <i>Diversion Plan Filing</i> by Frederick A. Laskey, William D. O'Leary, Bruce M. Bullen, Gerald Morrissey, Elmer C. Bartels, Teresa O'Hare, Deval Patrick.(Salinger, Kenneth) (Entered: 03/01/2007)
03/02/2007		Magistrate Judge Kenneth P. Neiman. ELECTRONIC ORDER granting <u>427</u> Motion for Extension of Time until 3/15/07 to File Response to Defendants' Diversion Plan Filing, ENTERED, cc:cl. (Healy, Bethaney) (Entered: 03/02/2007)
03/02/2007		E-Mail Notice re order originally issued on 3/2/07 returned as undeliverable. Name of Addressee: Richard Belin. The ECF Help Desk has contacted the law firm on record, who advised that the attorney is no longer employed by that firm. The attorney's email address has been removed from the database to prevent the return of additional undeliverable email notices. (Hassett, Kathy) (Entered: 03/02/2007)
03/16/2007	<u>428</u>	MEMORANDUM OF LAW by Frederick A. Laskey, William D. O'Leary, Bruce M. Bullen, Gerald Morrissey, Elmer C. Bartels, Howard Koh, Teresa O'Hare, Deval Patrick to <u>425</u> Order on Motion for Miscellaneous Relief,,. (Attachments: # <u>1</u> Exhibit Ex. 1 - Diversion Plan)(Salinger, Kenneth) (Entered: 03/16/2007)
04/02/2007	<u>429</u>	Response by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center for Independent Living to <u>428</u> Memorandum of Law,. (Attachments: # <u>1</u> Exhibit)(Schwartz, Steven) (Entered: 04/02/2007)
04/09/2007	<u>430</u>	Assented to MOTION for Leave to File <i>a Reply Memorandum Concerning DMR's Consolidated Diversion Plan</i> by Frederick A. Laskey, William D. O'Leary, Bruce M. Bullen, Gerald Morrissey, Elmer C. Bartels, Howard Koh, Teresa O'Hare, Deval Patrick.(Salinger, Kenneth) (Entered: 04/09/2007)

04/10/2007		Judge Kenneth P. Neiman : Electronic ORDER entered granting <u>430</u> Defendants' Motion for Leave to File Reply; Counsel using the Electronic Case Filing System should, by April 17, 2007, file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include – Leave to file granted on April 10, 2007, in the caption of the document. (Neiman, Kenneth) (Entered: 04/10/2007)
04/10/2007	<u>431</u>	Magistrate Judge Kenneth P. Neiman. MEMORANDUM AND ORDER granting in part and denying in part <u>396</u> Motion for Noncompliance and Further Relief, ENTERED, cc:cl. See Order for further details and deadlines. (Healy, Bethaney) (Entered: 04/10/2007)
04/17/2007	<u>432</u>	MEMORANDUM OF LAW by Frederick A. Laskey, William D. O'Leary, Bruce M. Bullen, Gerald Morrissey, Elmer C. Bartels, Howard Koh, Teresa O'Hare, Deval Patrick to <u>429</u> Response,. (Salinger, Kenneth) (Entered: 04/17/2007)
05/08/2007	<u>433</u>	NOTICE OF INTERLOCUTORY APPEAL as to <u>431</u> Order on Motion for Miscellaneous Relief by Frederick A. Laskey, William D. O'Leary, Bruce M. Bullen, Gerald Morrissey, Elmer C. Bartels, Howard Koh, Teresa O'Hare, Deval Patrick. NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at <a href="http://www.ca1.uscourts.gov/clerks/transcript.htm">http://www.ca1.uscourts.gov/clerks/transcript.htm</a> MUST be completed and submitted to the Court of Appeals. Appeal Record due by 5/28/2007. (Salinger, Kenneth) (Entered: 05/08/2007)
05/15/2007	<u>434</u>	STATUS REPORT <i>on the Monitor</i> by Frederick A. Laskey, William D. O'Leary, Bruce M. Bullen, Gerald Morrissey, Elmer C. Bartels, Howard Koh, Teresa O'Hare, Loretta Rolland, Terry Newton, Deval Patrick, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center for Independent Living. (Attachments: # <u>1</u> Text of Proposed Order For the Court Monitor# <u>2</u> Attachment 2 Rucker CV# <u>3</u> Attachment 3 Russo CV)(Schwartz, Steven) (Entered: 05/15/2007)
05/15/2007	<u>435</u>	MOTION to Stay re <u>433</u> Notice of Interlocutory Appeal,, <i>Pending Appeal, and for Clarification of Part of the Court's Order Dated April 10, 2007</i> by Frederick A. Laskey, William D. O'Leary, Bruce M. Bullen, Gerald Morrissey, Elmer C. Bartels, Howard Koh, Teresa O'Hare, Deval Patrick.(Salinger, Kenneth) (Entered: 05/15/2007)
05/15/2007	<u>436</u>	MEMORANDUM in Support re <u>435</u> MOTION to Stay re <u>433</u> Notice of Interlocutory Appeal,, <i>Pending Appeal, and for Clarification of Part of the Court's Order Dated April 10, 2007</i> MOTION to Stay re <u>433</u> Notice of Interlocutory Appeal,, <i>Pending Appeal, and for Clarification of Part of the Court's Order Dated April 10, 2007</i> filed by Frederick A. Laskey, William D. O'Leary, Bruce M. Bullen, Gerald Morrissey, Elmer C. Bartels, Howard Koh, Teresa O'Hare, Deval Patrick. (Attachments: # <u>1</u> Exhibit Ex. A – Revised Active Treatment Policy# <u>2</u> Affidavit Affidavit of Debra Grzywacz 05/15/07)(Salinger, Kenneth) (Entered: 05/15/2007)
05/15/2007	<u>437</u>	MOTION Approval of Revised Active Treatment <i>Measurement Device</i> by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center for Independent Living. (Attachments: # <u>1</u> Exhibit Revised Active Treatment Measuring Device)(Schwartz, Steven) (Entered: 05/15/2007)
05/15/2007	<u>438</u>	MEMORANDUM in Support re <u>437</u> MOTION Approval of Revised Active Treatment <i>Measurement Device</i> filed by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center for Independent Living. (Schwartz, Steven) (Entered: 05/15/2007)
05/16/2007	<u>439</u>	Magistrate Judge Kenneth P. Neiman. ORDER for the Court Monitor, ENTERED, cc:cl. (Healy, Bethaney) (Entered: 05/16/2007)
05/16/2007		ELECTRONIC NOTICE of Hearing ISSUED, cc:cl. Hearing on <u>435</u> MOTION to Stay re <u>433</u> Notice of Interlocutory Appeal,, <i>Pending Appeal, and for Clarification of Part of the Court's Order Dated April 10, 2007</i> MOTION to Stay re <u>433</u> Notice of Interlocutory Appeal,, <i>Pending Appeal, and for Clarification of Part of the</i>

		<i>Court's Order Dated April 10, 2007, 437</i> MOTION Approval of Revised Active Treatment <i>Measurement Device</i> , and on matters concerning diversion plans set for 6/8/2007 at 11:00 AM in Courtroom 3 before Magistrate Judge Kenneth P. Neiman. (Healy, Bethaney) (Entered: 05/16/2007)
05/17/2007	<u>440</u>	Assented to MOTION to Continue Scheduled Hearing to 6/13/2007 by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center for Independent Living.(Schwartz, Steven) (Entered: 05/17/2007)
05/18/2007	<u>441</u>	STATUS REPORT , <i>Supplement to Joint Report re Monitor, with Further Resumes</i> by Frederick A. Laskey, William D. O'Leary, Bruce M. Bullen, Gerald Morrissey, Elmer C. Bartels, Howard Koh, Teresa O'Hare, Deval Patrick. (Salinger, Kenneth) Additional attachment(s) added on 5/24/2007 (Lindsay, Maurice). (Entered: 05/18/2007)
05/21/2007		Magistrate Judge Kenneth P. Neiman. ELECTRONIC ORDER granting <u>440</u> Motion to Continue Motion Hearing, ENTERED, cc:cl. ALLOWED. Hearing rescheduled to June 13, 2007, at 10:00 a.m., in Courtroom Three. (Healy, Bethaney) (Entered: 05/21/2007)
05/21/2007		Set/Reset Deadlines as to <u>435</u> MOTION to Stay re <u>433</u> Notice of Interlocutory Appeal,, <i>Pending Appeal, and for Clarification of Part of the Court's Order Dated April 10, 2007</i> MOTION to Stay re <u>433</u> Notice of Interlocutory Appeal,, <i>Pending Appeal, and for Clarification of Part of the Court's Order Dated April 10, 2007, 437</i> MOTION Approval of Revised Active Treatment <i>Measurement Device</i> , and on matters concerning diversion plans set for 6/13/2007 at 10:00 AM in Courtroom 3 before Magistrate Judge Kenneth P. Neiman. (Healy, Bethaney) (Entered: 05/21/2007)
05/22/2007	<u>442</u>	Response by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center for Independent Living to <u>441</u> Status Report., (Costanzo, Cathy) Additional attachment(s) added on 5/24/2007 (Lindsay, Maurice). (Entered: 05/22/2007)
05/22/2007	<u>443</u>	BRIEF by Frederick A. Laskey, William D. O'Leary, Bruce M. Bullen, Gerald Morrissey, Elmer C. Bartels, Howard Koh, Teresa O'Hare, Deval Patrick to <u>441</u> Status Report, <u>434</u> Status Report, <i>Defendants' Comments re Court Monitor Candidates</i> . (Salinger, Kenneth) (Entered: 05/22/2007)
05/23/2007	<u>444</u>	Opposition re <u>435</u> MOTION to Stay re <u>433</u> Notice of Interlocutory Appeal,, <i>Pending Appeal, and for Clarification of Part of the Court's Order Dated April 10, 2007</i> MOTION to Stay re <u>433</u> Notice of Interlocutory Appeal,, <i>Pending Appeal, and for Clarification of Part of the Court's Order Dated April 10, 2007</i> filed by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center for Independent Living. (Schwartz, Steven) (Entered: 05/23/2007)
05/24/2007	<u>445</u>	<i>Supplemental</i> Response by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center for Independent Living to <u>442</u> Response. (Schwartz, Steven) (Entered: 05/24/2007)
05/24/2007		Notice of correction to docket made by Court staff. The status report Dkt. No. (441) was corrected to separate the attached exhibit which was erroneously filed with the status report as one document. (Lindsay, Maurice) (Entered: 05/24/2007)
05/29/2007	<u>446</u>	Opposition re <u>437</u> MOTION Approval of Revised Active Treatment <i>Measurement Device</i> filed by Frederick A. Laskey, William D. O'Leary, Bruce M. Bullen, Gerald Morrissey, Elmer C. Bartels, Howard Koh, Teresa O'Hare, Deval Patrick. (Salinger, Kenneth) (Entered: 05/29/2007)
05/29/2007	<u>447</u>	NOTICE by Frederick A. Laskey, William D. O'Leary, Bruce M. Bullen, Gerald Morrissey, Elmer C. Bartels, Howard Koh, Teresa O'Hare, Deval Patrick re <u>446</u> Opposition to Motion, <u>436</u> Memorandum in Support of Motion,, <i>Notice of Filing With Clerk's Office</i> (Salinger, Kenneth) (Entered: 05/29/2007)

06/01/2007	<u>448</u>	Letter/request (non-motion) from Kenneth W. Salinger re: three First Circuit briefs (not scanned - available in the clerk's office). (Attachments: # <u>1</u> Notice of Filing# <u>2</u> Brief of Dft's - Appellants 8/16/02# <u>3</u> Brief of Ptf's - Appellees 9/23/02# <u>4</u> Reply Brief of Dft's - Appellants 10/8/02)(Lindsay, Maurice) (Entered: 06/01/2007)
06/04/2007	<u>449</u>	MOTION for Leave to File <i>Reply to Defendants' Opposition to Motion for Approval of Revised Active Treatment Measurement Device</i> by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center for Independent Living.(Schwartz, Steven) (Entered: 06/04/2007)
06/05/2007		Magistrate Judge Kenneth P. Neiman. ELECTRONIC ORDER granting <u>449</u> Motion for Leave to File Reply ENTERED, cc:cl. Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include - Leave to file granted on (6/5/07)- in the caption of the document. (Healy, Bethaney) (Entered: 06/05/2007)
06/06/2007	<u>450</u>	Response by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center for Independent Living to <u>446</u> Opposition to Motion, to Approve Revised Active Treatment Measurement Device. (Schwartz, Steven) (Entered: 06/06/2007)
06/13/2007		Electronic Clerk's Notes for proceedings held before Judge Kenneth P. Neiman: Motion Hearing held on 6/13/2007 re <u>437</u> MOTION for Approval of Revised Active Treatment Measurement Device and <u>435</u> MOTION to Stay. After hearing, the court denies the motion fo a stay (Document No. 435) and orders that the parties are to report back to the court regarding the motion for approval of a revised active treatment measuring device (Document No. 437) by July 6, 2007. In addition, the court takes the "diversion" motion under advisement and appoints Lyn Rucker as class monitor (see Document No. 434). (Court Reporter: digital recording.) (Olin, Nathan) (Entered: 06/13/2007)
07/06/2007	<u>451</u>	STATUS REPORT , <i>Joint, Concerning Revised Active Treatment Standards</i> , by Frederick A. Laskey, William D. O'Leary, Bruce M. Bullen, Gerald Morrissey, Elmer C. Bartels, Howard Koh, Teresa O'Hare, Loretta Rolland, Terry Newton, Deval Patrick, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center for Independent Living. (Attachments: # <u>1</u> Exhibit A - Plaintiffs' Proposed Order &Standards# <u>2</u> Exhibit B - Defendants' Proposed Order &Standards)(Salinger, Kenneth) (Entered: 07/06/2007)
07/10/2007		Judge Kenneth P. Neiman : Electronic ORDER entered denying <u>437</u> Plaintiffs' Motion for Approval of Revised Active Treatment Measurement Device in light of <u>451</u> the parties' Joint Status Report and hereby takes the matter under advisement (subject to the parties' pending submissions). In addition, for the reasons described in court on June 13, 2007, and in response to [434, 441, 442, and 443] the parties' proposals on the status of the monitor, the court appoints Lyn Rucker as court monitor. So ordered. (Neiman, Kenneth) (Entered: 07/10/2007)
07/11/2007	<u>452</u>	Judge Kenneth P. Neiman : Electronic MEMORANDUM AND ORDER entered denying <u>435</u> Motion to Stay pending appeal. (Stuckenbruck, John) (Entered: 07/11/2007)
07/11/2007	<u>453</u>	<i>Memorandum</i> Response by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center for Independent Living <i>in Support of Their Proposed Order and Active Treatment Standards</i> . (Schwartz, Steven) (Entered: 07/11/2007)
07/11/2007	<u>454</u>	MEMORANDUM OF LAW by Frederick A. Laskey, William D. O'Leary, Bruce M. Bullen, Gerald Morrissey, Elmer C. Bartels, Howard Koh, Teresa O'Hare, Deval Patrick to <u>451</u> Status Report,, (Salinger, Kenneth) (Entered: 07/11/2007)
08/02/2007	<u>455</u>	Magistrate Judge Kenneth P. Neiman. MEMORANDUM with regard to Revised Active Treatment Standards, ENTERED, cc:cl. (Healy, Bethaney) Additional attachment(s) added on 8/3/2007 (Healy, Bethaney). (Entered: 08/02/2007)

08/02/2007	<u>456</u>	Magistrate Judge Kenneth P. Neiman. ORDER Approving Revised Active Treatment Standards, ENTERED, cc:cl. (Attachments: # <u>1</u> Revised Active Treatment Standard)(Healy, Bethaney) (Entered: 08/03/2007)
08/08/2007	<u>457</u>	STIPULATION re <u>433</u> Notice of Interlocutory Appeal,, <i>Joint Stipulation Seeking Voluntary Dismissal of Undocketed, Interlocutory Appeal</i> by Frederick A. Laskey, William D. O'Leary, Bruce M. Bullen, Gerald Morrissey, Elmer C. Bartels, Howard Koh, Teresa O'Hare, Loretta Rolland, Terry Newton, Deval Patrick, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center for Independent Living. (Salinger, Kenneth) (Entered: 08/08/2007)
08/16/2007		Court appointed monitor added to list of recipients to receive notices of electronic filing. (Stuckenbruck, John) (Entered: 08/16/2007)
08/21/2007	<u>458</u>	MOTION Court Monitor Access to Non-Party Providers and Records Kept Only By Them, and Requiring Court Monitor to Maintain Confidentiality by Frederick A. Laskey, William D. O'Leary, Bruce M. Bullen, Gerald Morrissey, Elmer C. Bartels, Howard Koh, Teresa O'Hare, Deval Patrick. (Attachments: # <u>1</u> Exhibit A - Proposed Order (with attachments))(Salinger, Kenneth) (Entered: 08/21/2007)
08/21/2007	<u>459</u>	MEMORANDUM in Support re <u>458</u> MOTION Court Monitor Access to Non-Party Providers and Records Kept Only By Them, and Requiring Court Monitor to Maintain Confidentiality filed by Frederick A. Laskey, William D. O'Leary, Bruce M. Bullen, Gerald Morrissey, Elmer C. Bartels, Howard Koh, Teresa O'Hare, Deval Patrick. (Salinger, Kenneth) (Entered: 08/21/2007)
08/24/2007	<u>460</u>	MEMORANDUM in Opposition re <u>458</u> MOTION Court Monitor Access to Non-Party Providers and Records Kept Only By Them, and Requiring Court Monitor to Maintain Confidentiality filed by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center for Independent Living. (Attachments: # <u>1</u> Exhibit A# <u>2</u> Exhibit B# <u>3</u> Exhibit C)(Schwartz, Steven) (Entered: 08/24/2007)
08/29/2007		ELECTRONIC NOTICE of Hearing on Motion <u>458</u> MOTION Court Monitor Access to Non-Party Providers and Records Kept Only By Them, and Requiring Court Monitor to Maintain Confidentiality, ISSUED, cc:cl. Motion Hearing set for 8/31/2007 at 11:00 AM in Courtroom 3 before Magistrate Judge Kenneth P. Neiman. Counsel shall make arrangements for the court monitor to be present in court for the hearing.(Healy, Bethaney) (Entered: 08/29/2007)
08/31/2007		Magistrate Judge Kenneth P. Neiman. ELECTRONIC ORDER approving <u>457</u> Joint Stipulation Seeking Voluntary Dismissal of Undocketed, Interlocutory Appeal, filed by Frederick Cooper, Gerald Morrissey, Deval Patrick, Stavros Center for Independent Living, Bruce Ames, Terry Newton, Timothy Raymond, Teresa O'Hare, Elmer C. Bartels, Loretta Rolland, ACR Massachusetts, Leslie Francis, Howard Koh, Frederick A. Laskey, Bruce M. Bullen, Margaret Pinette, William D. O'Leary ENTERED, cc:cl. (Healy, Bethaney) (Entered: 08/31/2007)
08/31/2007		Electronic Clerk's Notes for proceedings held before Magistrate Judge Kenneth P. Neiman. Counsel (Attys Salinger, Laski, Schwartz) and Court Monitor (Ms. Rucker) appear for Motion Hearing held on 8/31/2007 re <u>458</u> MOTION Court Monitor Access to Non-Party Providers and Records Kept Only By Them, and Requiring Court Monitor to Maintain Confidentiality filed by Gerald Morrissey, Deval Patrick, Howard Koh, Teresa O'Hare, Frederick A. Laskey, Bruce M. Bullen, Elmer C. Bartels, William D. O'Leary. Court takes recess so parties can work out a proposed order for the court. Court reconvenes at 1:30 p.m. Parties have reached agreement on order. Court will issue the order by 9/4/07. Colloquy with Court Monitor Rucker. (Court Reporter FTR (11:00 a.m.)) (Healy, Bethaney) (Entered: 08/31/2007)
08/31/2007		Judge Kenneth P. Neiman : Electronic ORDER entered, after hearing, granting in part <u>458</u> Defendants' Motion Seeking Approval of An Order Directing Nursing Facilities and Day Habilitation Providers to Provide Access to Court Monitor and Maintaining Confidentiality of Information. For the reasons described this day, the court will issue such an order which the parties, with the guidance of the court, agreed to this day. Order to issue. (Neiman, Kenneth) (Entered: 08/31/2007)

08/31/2007	<u>461</u>	STATUS REPORT by the Court Monitor, Lyn Rucker filed. (Finn, Mary) (Entered: 08/31/2007)
09/04/2007	<u>462</u>	Judge Kenneth P. Neiman : Electronic ORDER DIRECTING NURSING FACILITIES AND SPECIALIZED SERVICE PROVIDERS TO PROVIDE THE COURT MONITOR WITH ACCESS, AND REQUIRING THE MONITOR TO MAINTAIN CONFIDENTIALITY entered. (Stuckenbruck, John) (Entered: 09/04/2007)
09/07/2007		Judge Kenneth P. Neiman : Electronic ORDER entered. Having considered the parties' respective positions in response to its Memorandum and Order of January 16, 2007 (Document No. 425), the court will not withdraw its prior approval of Defendants' diversion plan. The court's decision is based on (a) Defendants' substantial compliance with paragraph 12 of the Settlement Agreement, (b) Defendants' representations that they will report pre-admission diversions separately from post-admission diversions, (c) the appointment of a court monitor to oversee Defendants' compliance with their active treatment obligations and, in light of said appointment, (d) the court's reluctance to impose new obligations on Defendants at this time. (Neiman, Kenneth) (Entered: 09/07/2007)
10/17/2007	<u>463</u>	Letter/request (non-motion) from Lyn Rucker, Court Monitor, requesting permission to be added to the electronic system. (Healy, Bethaney) (Entered: 10/18/2007)
10/19/2007		Magistrate Judge Kenneth P. Neiman. ELECTRONIC ORDER approving <u>463</u> Letter/request (non-motion) from Lyn Rucker, Court Monitor, requesting permission to be added to the electronic system, ENTERED, cc:cl.(Healy, Bethaney) (Entered: 10/19/2007)
11/15/2007	<u>464</u>	STATUS REPORT by Lyn Rucker. (Healy, Bethaney) (Entered: 11/16/2007)
11/19/2007		Electronic Note with regard to Magistrate Judge Kenneth P. Neiman's Telephone Conference with Court Monitor Lyn Rucker held on November 19, 2007, in response to <u>464</u> Status Report. Court Monitor directed by court to proceed expeditiously with implementation of orders regarding monitoring of active treatment to class members. (Neiman, Kenneth) (Entered: 11/19/2007)
12/11/2007	<u>465</u>	Letter/request (non-motion) from Lyn Rucker, Court Monitor dated 12/07/07. (Healy, Bethaney) (Entered: 12/11/2007)
12/11/2007		Judge Kenneth P. Neiman : Electronic ORDER entered as a result of the court's review of <u>465</u> Court Monitor Lyn Rucker's letter and the court's conversation with her this day. The Rolland Active Treatment Protocol referred to in the letter is hereby approved for immediate use, subject to the court's reconsideration should any party wish to suggest changes. Such suggested changes, if any, shall be filed with the court by December 20, 2007, to which the other party may respond by December 31, 2007. So ordered.(Neiman, Kenneth) (Entered: 12/11/2007)
12/11/2007	<u>466</u>	Remark: Rolland Active Treatment Protocol filed. (Attachments: # <u>1</u> pages 13-29# <u>2</u> pages 30-44# <u>3</u> pages 45-58# <u>4</u> pages 59-end) (Healy, Bethaney) (Entered: 12/12/2007)
01/28/2008		Magistrate Judge Kenneth P. Neiman: Electronic ORDER entered, after a telephone conference this day with the Court Monitor, approving the Revised Budget (July 2007 to June 2009, dated December 22, 2007) as well as the Revised Work Plan (July 2007 to July 2008, dated October 31, 2007), the parties having been provided said plans by the Court Monitor without thereafter raising any particular concerns. The parties are hereby notified that the court has requested the Court Monitor to facilitate its visit to some service sites and nursing facilities on February 26 and/or 27, 2008. So ordered. (Neiman, Kenneth) (Entered: 01/28/2008)
02/26/2008		Electronic Clerk's Notes for proceedings held before Magistrate Judge Kenneth P. Neiman: On 2/26/08, court participates in a tour of nursing facilities, rehabilitation centers, and community residences with Monitor Lyn Rucker, DMR staff and attorneys for the parties. (Healy, Bethaney) (Entered: 02/28/2008)

02/27/2008		Electronic Clerk's Notes for proceedings held before Magistrate Judge Kenneth P. Neiman: On 2/27/08, court participates in a tour of nursing facilities, rehabilitation centers, and community residences with Monitor Lyn Rucker, DMR staff and attorneys for the parties. (Healy, Bethaney) (Entered: 02/28/2008)
03/04/2008	<u>467</u>	Rolland Active Treatment Review 2007 Report (dated 01/24/08) by Lyn Rucker. (Healy, Bethaney) (Entered: 03/04/2008)
03/04/2008		Magistrate Judge Kenneth P. Neiman: ELECTRONIC ORDER entered, cc:cl. The attorneys for the parties shall appear before the court for a conference on March 25, 2008, at 2:30 p.m., at which time the court wishes to share its thoughts and concerns arising out of its tour of facilities and the Monitor's January 24, 2008 Report. So ordered. (Status Conference set for 3/25/2008 at 2:30 PM in Courtroom 3 before Magistrate Judge Kenneth P. Neiman.)(Healy, Bethaney) (Entered: 03/04/2008)
03/21/2008	<u>468</u>	NOTICE of Settlement <i>and Joint Motion to Establish a Timetable for Review</i> by Frederick A. Laskey, William D. O'Leary, Bruce M. Bullen, Gerald Morrissey, Elmer C. Bartels, Howard Koh, Teresa O'Hare, Loretta Rolland, Western Massachusetts Legal Services, Inc., Terry Newton, Deval Patrick, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts (Attachments: # <u>1</u> Exhibit A)(Salinger, Kenneth) (Entered: 03/21/2008)
03/26/2008		Ch. Magistrate Judge Kenneth P. Neiman: Electronic ORDER entered adopting the parties' proposed schedule as set out in their <u>468</u> Joint Notice. The hearing on preliminary approval is scheduled for April 14, 2008, at 2:30 p.m. The fairness hearing is scheduled for May 22, 2008, at 10:00 a.m. So Ordered.(Neiman, Kenneth) (Entered: 03/26/2008)
03/28/2008		Electronic Clerk's Notes for proceedings held before Ch. Magistrate Judge Kenneth P. Neiman: Status Conference held on 3/25/2008. (Court Reporter: FTR (2:30 p.m.)) (Healy, Bethaney) (Entered: 03/28/2008)
04/07/2008	<u>469</u>	Joint MOTION for Settlement <i>Agreement</i> , Joint MOTION Adjust dates, and approve class notice ( Responses due by 4/21/2008) by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center for Independent Living. (Attachments: # <u>1</u> Exhibit Notice)(Schwartz, Steven) (Entered: 04/07/2008)
04/07/2008	<u>470</u>	MEMORANDUM in Support re <u>469</u> Joint MOTION for Settlement <i>Agreement</i> Joint MOTION Adjust dates, and approve class notice filed by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center for Independent Living. (Schwartz, Steven) (Entered: 04/07/2008)
04/08/2008	<u>471</u>	MEMORANDUM in Support re <u>469</u> Joint MOTION for Settlement <i>Agreement</i> Joint MOTION Adjust dates, and approve class notice filed by Frederick A. Laskey, William D. O'Leary, Bruce M. Bullen, Gerald Morrissey, Elmer C. Bartels, Howard Koh, Teresa O'Hare, Deval Patrick. (Salinger, Kenneth) (Entered: 04/08/2008)
04/14/2008		Ch. Magistrate Judge Kenneth P. Neiman: Electronic ORDER entered granting <u>469</u> the parties' Motion for Preliminary Approval of Settlement Agreement, subject to changes in the Notice described this day, for the reasons stated in court. Although the court remains concerned about certain aspects of the proposed settlement, it will address those concerns at the Fairness Hearing, at which time the court will also have before it the supplemental information described by the parties in their motion and supporting memoranda. So ordered.(Neiman, Kenneth) (Entered: 04/14/2008)
04/14/2008		Electronic Clerk's Notes for proceedings held before Ch. Magistrate Judge Kenneth P. Neiman: Hearing re Fairness held on 4/14/2008. Colloquy re: preliminary approval of settlement. Order to issue. (Court Reporter: FTR (2:35 p.m.)) (Healy, Bethaney) (Entered: 04/15/2008)
05/08/2008	<u>472</u>	Sealed Document (letter from Ms. Manfield, guardian for class member D.G. submitted to the court. Document was served on Atty Costanzo and Salinger). (Healy, Bethaney) (Entered: 05/08/2008)



05/09/2008	<u>473</u>	Sealed Document (letter from Ms. Tseng re: class member L.P. submitted to the court. Document was served on Atty Costanzo and Salinger). (Healy, Bethaney) (Entered: 05/09/2008)
05/09/2008	<u>474</u>	Sealed Document (letter from Mr. Putterman re: class member L.P. submitted to the court. Document was served on Atty Costanzo and Salinger). (Healy, Bethaney) (Entered: 05/09/2008)
05/09/2008	<u>475</u>	Sealed Document (letter from Mr. McGrath re: class member M.M. submitted to the court. Document was served on Atty Costanzo and Salinger).. (Healy, Bethaney) (Entered: 05/12/2008)
05/12/2008	<u>476</u>	Sealed Document (letter from Mr. Sheehan re: class member P.S. submitted to the court. Document was served on Atty Costanzo and Salinger). (Healy, Bethaney) (Entered: 05/12/2008)
05/12/2008	<u>477</u>	Opposition re <u>469</u> Joint MOTION for Settlement <i>Agreement</i> Joint MOTION Adjust dates, and approve class notice <i>with cert of service</i> filed by eric voss. (Attachments: # <u>1</u> Affidavit affidavit of barbara and francis voss, # <u>2</u> Exhibit letters from parents–exhibit B)(Sheehy, Stephen) Modified (SEALING ENTRY PER MAGISTRATE JUDGE NEIMAN) on 5/12/2008 (Healy, Bethaney). (Entered: 05/12/2008)
05/12/2008	<u>478</u>	NOTICE of Appearance by Stephen M. Sheehy on behalf of eric voss (Sheehy, Stephen) Modified on 5/12/2008 (SEALING DOCUMENT PER MAGISTRATE JUDGE NEIMAN) (Healy, Bethaney). (Entered: 05/12/2008)
05/12/2008		Notice of correction to docket made by Court staff. Correction: 477 Opposition and 478 Notice of Attorney Appearance corrected because: edited to seal entries, as they contained complete names of class members. (Healy, Bethaney) (Entered: 05/12/2008)
05/14/2008	<u>480</u>	Sealed Document (letter from Ms. McCormack re: class member F.R. submitted to the court. Document was served on Atty Costanzo and Salinger). (Healy, Bethaney) (Entered: 05/15/2008)
05/14/2008	<u>481</u>	Sealed Document (letter from Mr. Voss re: class member E.V. submitted to the court. Document was served on Atty Costanzo and Salinger). (Healy, Bethaney) (Entered: 05/15/2008)
05/14/2008	<u>482</u>	Sealed Document (letter from Ms. Finnin re: class member E.S. submitted to the court. Document was served on Atty Costanzo and Salinger). (Healy, Bethaney) (Entered: 05/15/2008)
05/14/2008	<u>483</u>	Sealed Document (letter from Mr. Gignilliat re: class member D.B. submitted to the court. Document was served on Atty Costanzo and Salinger). (Healy, Bethaney) (Entered: 05/15/2008)
05/15/2008	<u>479</u>	MEMORANDUM OF LAW by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center for Independent Living to <u>468</u> Notice of Settlement,. (Attachments: # <u>1</u> Exhibit 1(a), # <u>2</u> Exhibit 1(b), # <u>3</u> Exhibit 2)(Schwartz, Steven) (Entered: 05/15/2008)
05/16/2008	<u>484</u>	MEMORANDUM OF LAW by Frederick A. Laskey, William D. O'Leary, Bruce M. Bullen, Gerald Morrissey, Elmer C. Bartels, Howard Koh, Teresa O'Hare, Deval Patrick to <u>468</u> Notice of Settlement, Order on Motion for Settlement, Order on Motion for Miscellaneous Relief,,,,. (Attachments: # <u>1</u> Exhibit – Joint Plan for Transition Services, # <u>2</u> Appendix 1 – Transition Plan Format, # <u>3</u> Appendix 2 – Transition Planning Process Outline)(Salinger, Kenneth) (Entered: 05/16/2008)
05/20/2008	<u>485</u>	MOTION decertify class by eric voss. (Attachments: # <u>1</u> certificate of service)(Sheehy, Stephen) (Entered: 05/20/2008)
05/20/2008	<u>486</u>	MEMORANDUM in Support re <u>485</u> MOTION decertify class <i>and reply memorandum regarding proposed settlement</i> filed by eric voss. (Sheehy, Stephen) (Entered: 05/20/2008)

05/23/2008	<u>487</u>	AFFIDAVIT in Support of <i>Plaintiffs' Memorandum in Support of Approval of the Settlement Agreement on Active Treatment</i> . (Attachments: # <u>1</u> Exhibit A, # <u>2</u> Exhibit B)(Wicker, Catherine) (Additional attachment(s) added on 5/23/2008: # <u>3</u> Main document) (Finn, Mary). (Entered: 05/23/2008)
05/23/2008		Notice of correction to docket made by Court staff. Correction: document <u>487</u> affidavit of Paula Cieplik corrected because: to add the correct affidavit and to delete the incorrect affidavit. (Finn, Mary) (Entered: 05/23/2008)
05/28/2008		Electronic Clerk's Notes for proceedings held before Ch. Magistrate Judge Kenneth P. Neiman: Hearing re Fairness Hearing held on 5/22/2008. (Court Reporter: Sarah Mubarek.)(Attorneys present: Belin, Costanzo, Schwartz, Salinger, Meacham) (Healy, Bethaney) (Entered: 05/28/2008)
06/02/2008	<u>488</u>	Opposition re <u>485</u> MOTION decertify class filed by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center for Independent Living. (Schwartz, Steven) (Entered: 06/02/2008)
06/04/2008	<u>489</u>	Transcript of Hearing held on March 25, 2008, before Judge Neiman. Court Reporter: Transcribed by Dianne Quinn at dwilli9239@aol.com. The Transcript may be purchased through Dianne Quinn viewed at the public terminal, or viewed through PACER after it is released. Redaction Request due 6/23/2008. Redacted Transcript Deadline set for 7/2/2008. Release of Transcript Restriction set for 9/1/2008. (Scalfani, Deborah) (Entered: 06/04/2008)
06/04/2008	<u>490</u>	Transcript of Hearing held on April 14, 2008, before Judge Neiman. Court Reporter: Transcribed by Dianne Quinn at dwilli9239@aol.com. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Redaction Request due 6/23/2008. Redacted Transcript Deadline set for 7/2/2008. Release of Transcript Restriction set for 9/1/2008. (Scalfani, Deborah) (Entered: 06/04/2008)
06/04/2008	<u>491</u>	NOTICE is hereby given that an official transcript of a proceeding has been filed by the court reporter in the above-captioned matter. Counsel are referred to the Court's Transcript Redaction Policy, a copy of which is attached to this entry.. (Scalfani, Deborah) (Entered: 06/04/2008)
06/05/2008	<u>492</u>	NOTICE of Withdrawal of Appearance by Deirdre Roney (Roney, Deirdre) (Entered: 06/05/2008)
06/09/2008	<u>493</u>	Transcript of Hearing held on May 22, 2008, before Judge Neiman. Court Reporter: Sarah L. Mubarek at sarahmubarek@comcast.net. The Transcript may be purchased through the Court Reporter, viewed at the public terminal, or viewed through PACER after it is released. Redaction Request due 6/27/2008. Redacted Transcript Deadline set for 7/7/2008. Release of Transcript Restriction set for 9/4/2008. (Scalfani, Deborah) (Entered: 06/09/2008)
06/09/2008	<u>494</u>	NOTICE is hereby given that an official transcript of a proceeding has been filed by the court reporter in the above-captioned matter. Counsel are referred to the Court's Transcript Redaction Policy, a copy of which is attached to this entry.. (Scalfani, Deborah) (Entered: 06/09/2008)
06/16/2008	<u>495</u>	REPLY to Response to <u>485</u> MOTION decertify class of <i>Groton Plaintiffs</i> filed by eric voss. (Attachments: # <u>1</u> certificate of service)(Sheehy, Stephen) (Entered: 06/16/2008)
06/16/2008	<u>496</u>	Ch. Magistrate Judge Kenneth P. Neiman: MEMORANDUM AND ORDER with regard to the Parties' Joint Motion to Approve Settlement Agreement on Active Treatment, ENTERED, cc:cl. "...For the reasons stated, the parties' Joint Motion to Approve Settlement on Active Treatment is ALLOWED. Accordingly, the proposed Agreement is approved and, as approved, hereby becomes an order of the court." (Healy, Bethaney) (Entered: 06/16/2008)
07/14/2008	<u>497</u>	NOTICE OF APPEAL as to <u>496</u> Memorandum & ORDER, by eric voss Filing fee \$ 455, receipt number 0101000000002035600 NOTICE TO COUNSEL: A Transcript Report/Order Form, which can be downloaded from the First Circuit Court of Appeals web site at <a href="http://www.ca1.uscourts.gov/clerks/transcript.htm">http://www.ca1.uscourts.gov/clerks/transcript.htm</a>

		MUST be completed and submitted to the Court of Appeals. Appeal Record due by 8/4/2008. (Sheehy, Stephen) (Entered: 07/14/2008)
07/15/2008	<u>498</u>	Certified and Transmitted Record on Appeal to US Court of Appeals re <u>497</u> Notice of Appeal – #'s 469–471, 477, 479, 484, 496, &497. (Attachments: # <u>1</u> part 2, # <u>2</u> part 3)(Finn, Mary) (Entered: 07/15/2008)
08/01/2008	<u>499</u>	USCA Case Number 08–1874 for <u>497</u> Notice of Appeal, filed by eric voss. (Lindsay, Maurice) (Entered: 08/01/2008)
08/11/2008	<u>500</u>	Rolland Active Treatment Review (Reporting Period: August, 2007 to May, 2008), filed. (Healy, Bethaney) (Entered: 08/11/2008)
08/19/2008	<u>501</u>	Ch. Magistrate Judge Kenneth P. Neiman: MEMORANDUM AND ORDER entered denying <u>485</u> Motion to Decertify the Class, cc:cl. See Memorandum and Order for further details. (Healy, Bethaney) (Entered: 08/19/2008)
09/09/2008		Ch. Magistrate Judge Kenneth P. Neiman: Electronic ORDER entered as follows: The Clerk shall file under seal a copy of the e–mail letter from one of the Groton parents (L.P.) to the Court Monitor, copies of which the Court Monitor, at the court's direction, provided to counsel of record, including counsel for the Groton parents, for such action, if any, they deem appropriate. So ordered. (Neiman, Kenneth) (Entered: 09/09/2008)
09/09/2008	<u>502</u>	Sealed Document. (Healy, Bethaney) (Entered: 09/09/2008)
09/18/2008	<u>503</u>	Supplemental Record on Appeal transmitted to US Court of Appeals re <u>433</u> Notice of Interlocutory Appeal,, <u>497</u> Notice of Appeal, Documents included: 489, 490,493 (Scalfani, Deborah) (Entered: 09/18/2008)
02/27/2009	<u>504</u>	STATUS REPORT by Frederick A. Laskey, William D. O'Leary, Bruce M. Bullen, Gerald Morrissey, Elmer C. Bartels, Howard Koh, Teresa O'Hare, Deval Patrick. (Attachments: # <u>1</u> Report re Implementation of Settlement Agreement)(Salinger, Kenneth) (Entered: 02/27/2009)
03/04/2009	<u>505</u>	Court Monitor STATUS REPORT submitted by Lyn Rucker. (Healy, Bethaney) (Entered: 03/04/2009)
03/10/2009	<u>506</u>	NOTICE of Withdrawal of Appearance by William W. Porter (Porter, William) (Entered: 03/10/2009)
03/12/2009	<u>507</u>	MOTION for Attorney Fees <i>and Costs</i> by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center for Independent Living.(Schwartz, Steven) (Entered: 03/12/2009)
03/12/2009	<u>508</u>	MEMORANDUM in Support re <u>507</u> MOTION for Attorney Fees <i>and Costs</i> filed by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center for Independent Living. (Attachments: # <u>1</u> Exhibit Summary of Fees and Costs, # <u>2</u> Exhibit Affidavit of Steven J. Schwartz, # <u>3</u> Exhibit Affidavit of Cathy Costanzo, # <u>4</u> Exhibit Affidavit of Marcia Boundy, # <u>5</u> Exhibit Affidavit of Frank Laski, # <u>6</u> Exhibit Affidavit of Jeffrey Follett, # <u>7</u> Exhibit Affidavit of Matthew Engel, # <u>8</u> Exhibit Affidavit of Stuart Rossman, # <u>9</u> Exhibit Affidavit of Daniel Manning)(Schwartz, Steven) (Entered: 03/12/2009)
03/12/2009	<u>509</u>	NOTICE OF MANUAL FILING by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center for Independent Living Time Record/Costs re <u>507</u> MOTION for Attorney Fees <i>and Costs</i> , <u>508</u> Memorandum in Support of Motion,, <i>Exhibits 10–16</i> (Schwartz, Steven) (Entered: 03/12/2009)
03/12/2009	<u>510</u>	Assented to MOTION for Extension of Time to File Response/Reply as to <u>507</u> MOTION for Attorney Fees <i>and Costs</i> by Frederick A. Laskey, William D. O'Leary, Bruce M. Bullen, Gerald Morrissey, Elmer C. Bartels, Howard Koh, Teresa O'Hare, Deval Patrick.(Salinger, Kenneth) (Entered: 03/12/2009)

03/13/2009		Magistrate Judge Kenneth P. Neiman: Electronic ORDER entered granting <u>510</u> Defendants' Motion for Extension of Time to May 1, 2009, to File Response/Reply to <u>507</u> Plaintiffs' Motion for Attorneys' Fees and Costs. So ordered.(Neiman, Kenneth) (Entered: 03/13/2009)
03/18/2009	<u>511</u>	STATUS REPORT <i>on Implementation</i> by Loretta Rolland, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center for Independent Living. (Schwartz, Steven) (Entered: 03/18/2009)
03/30/2009		Set/Reset Deadlines as to <u>507</u> MOTION for Attorney Fees <i>and Costs</i> . Responses due by 5/1/2009 (Healy, Bethaney) (Entered: 03/30/2009)
04/17/2009	<u>512</u>	MOTION for Extension of Time to May 13, 2009 to File Response/Reply as to <u>507</u> MOTION for Attorney Fees <i>and Costs</i> by Frederick A. Laskey, William D. O'Leary, Bruce M. Bullen, Gerald Morrissey, Elmer C. Bartels, Howard Koh, Teresa O'Hare, Deval Patrick.(Salinger, Kenneth) (Entered: 04/17/2009)
04/22/2009	<u>513</u>	Assented to ADDENDUM re <u>512</u> MOTION for Extension of Time to May 13, 2009 to File Response/Reply as to <u>507</u> MOTION for Attorney Fees <i>and Costs</i> MOTION for Extension of Time to May 13, 2009 to File Response/Reply as to <u>507</u> MOTION for Attorney Fees <i>and Costs</i> , <i>Reporting Plaintiffs' Assent to Motion to Extend Time</i> , filed by Frederick A. Laskey, William D. O'Leary, Bruce M. Bullen, Gerald Morrissey, Elmer C. Bartels, Teresa O'Hare, Deval Patrick. (Salinger, Kenneth) (Entered: 04/22/2009)
04/27/2009		Magistrate Judge Kenneth P. Neiman: Electronic ORDER entered granting <u>512</u> Defendants' assented–to Motion for Extension of Time to May 13, 2009, to File Response to Plaintiffs' Motion for Attorneys' Fees. So ordered. (Neiman, Kenneth) (Entered: 04/27/2009)
05/13/2009	<u>514</u>	Assented to MOTION for Leave to File Excess Pages <i>in Response to Plaintiffs' Motion for Attorneys' Fees and Costs</i> , by Frederick A. Laskey, William D. O'Leary, Bruce M. Bullen, Gerald Morrissey, Elmer C. Bartels, Howard Koh, Teresa O'Hare, Deval Patrick.(Salinger, Kenneth) (Entered: 05/13/2009)
05/13/2009	<u>515</u>	Opposition re <u>507</u> MOTION for Attorney Fees <i>and Costs</i> filed by Frederick A. Laskey, William D. O'Leary, Bruce M. Bullen, Gerald Morrissey, Elmer C. Bartels, Howard Koh, Teresa O'Hare, Deval Patrick. (Attachments: # <u>1</u> Exhibit A – Spreadsheets, # <u>2</u> Exhibit B – Salinger Affidavit, # <u>3</u> Exhibit C – CPR's 2008 audited financial statements, # <u>4</u> Exhibit D – CPR's Form PC 2008)(Salinger, Kenneth) (Entered: 05/13/2009)
05/14/2009		Magistrate Judge Kenneth P. Neiman: Electronic ORDER entered granting <u>514</u> Defendants' assented–to Motion for Leave to File Excess Pages. So ordered. (Neiman, Kenneth) (Entered: 05/14/2009)
05/15/2009	<u>516</u>	Assented to MOTION for Leave to File <i>Reply and Extension of Time</i> by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center for Independent Living.(Schwartz, Steven) (Entered: 05/15/2009)
05/18/2009		Magistrate Judge Kenneth P. Neiman: Electronic ORDER entered granting <u>516</u> Plaintiffs' assented–to Motion for Leave to File Reply by May 29, 2009. So ordered. (Neiman, Kenneth) (Entered: 05/18/2009)
05/26/2009	<u>517</u>	Assented to MOTION for Leave to File Excess Pages by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center for Independent Living.(Schwartz, Steven) (Entered: 05/26/2009)
05/26/2009	<u>518</u>	Response by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ACR Massachusetts, Stavros Center for Independent Living to <u>515</u> Opposition to Motion, <i>for Attorneys' Fees and Costs</i> . (Schwartz, Steven) (Entered: 05/26/2009)
05/27/2009		Magistrate Judge Kenneth P. Neiman: Electronic ORDER entered granting <u>517</u> Plaintiffs' assented–to Motion for Leave to File Excess Pages. (Neiman, Kenneth) (Entered: 05/27/2009)

07/21/2009		Notice of correction to docket made by Court staff phone call received from plaintiffs' counsel. Plaintiff ACR MASSACHUSETTS edited to correct party name to ARC MASSACHUSETTS. Party name incorrectly spelled when case was originally opened. (Stuckenbruck, John) (Entered: 07/21/2009)
08/13/2009		Magistrate Judge Kenneth P. Neiman: Electronic ORDER entered granting in part <u>507</u> Plaintiffs' Motion for Attorneys' Fees and Costs in the amount of \$215,770, the amount acknowledged by Defendants as due, which amount shall be paid forthwith. The court takes under advisement the remaining part of Plaintiffs' request. So ordered. (Neiman, Kenneth) (Entered: 08/13/2009)
09/30/2009	<u>519</u>	Magistrate Judge Kenneth P. Neiman: MEMORANDUM AND ORDER with regard to Plaintiffs' Motion for Attorneys' Fees and Costs, ENTERED, cc:cl. "...For the reasons stated, the court grants Plaintiffs' motion as follows: \$391,761.25 in fees and \$1,504.09 in costs. Since, on August 13, 2009, the court ordered Defendants to forthwith pay Plaintiff's \$215,770, the amount acknowledged by Defendants as due, Defendants are now ordered to pay forthwith the remaining amount of \$177,495.34." (Healy, Bethaney) (Entered: 09/30/2009)
10/01/2009	<u>520</u>	Letter/request (non-motion) from Kenneth W. Salinger, as counsel for the Defendants, <i>Informing Court of a Scrivener's Error in Yesterdays Memorandum and Order</i> . (Salinger, Kenneth) (Entered: 10/01/2009)
10/02/2009		Magistrate Judge Kenneth P. Neiman: Electronic ORDER directing the issuance, in accord herewith, of an Amended Memorandum and Order with Regard to Plaintiffs' Motion for Attorneys' Fees and Costs. As set forth in <u>520</u> Defendants' counsel's letter, the court clearly intended to recognize 56.1, not 67.2, of Mr. Follett's hours. That results in a total fee award of \$388,375.75 plus costs of \$1,504.09. Given the fact that Defendants had been previously ordered to pay \$215,770, they must now pay forthwith the remaining amount of \$174,109.84 (not the \$173,924.65 mentioned in counsel's letter). An Amended Memorandum and Order shall issue.(Neiman, Kenneth) (Entered: 10/02/2009)
10/02/2009	<u>521</u>	Magistrate Judge Kenneth P. Neiman: AMENDED MEMORANDUM AND ORDER with regard to Plaintiffs' Motion for Attorneys' Fees and Costs ENTERED, cc:cl. (Healy, Bethaney) (Entered: 10/02/2009)
10/26/2009	<u>522</u>	Quarterly Report and ITSP Report by Lyn Rucker. (Healy, Bethaney) (Entered: 10/26/2009)
10/27/2009		Magistrate Judge Kenneth P. Neiman: Electronic ORDER entered requiring the parties to independently respond in writing by November 13, 2009, to <u>522</u> the Court Monitor's October 23, 2009 Report. The court shall address the Report and the parties' responses at a conference hereby scheduled for November 23, 2009, at 10:00 a.m. So ordered.(Neiman, Kenneth) (Entered: 10/27/2009)
10/29/2009	<u>523</u>	Joint MOTION for Extension of Time to November 18, 2009 to File Response/Reply as to Order, by Frederick A. Laskey, William D. O'Leary, Bruce M. Bullen, Gerald Morrissey, Elmer C. Bartels, Howard Koh, Teresa O'Hare, Loretta Rolland, Terry Newton, Deval Patrick, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ARC Massachusetts, Stavros Center for Independent Living.(Salinger, Kenneth) (Entered: 10/29/2009)
10/30/2009		Magistrate Judge Kenneth P. Neiman: Electronic ORDER entered granting <u>523</u> Joint Motion for Extension of Time to November 18, 2009 to File Responses. In addition, the conference date is hereby rescheduled from November 23, 2009, to December 1, 2009, at 2:00 p.m. So ordered. (Neiman, Kenneth) (Entered: 10/30/2009)
11/13/2009	<u>524</u>	ORDER of USCA as to <u>497</u> Notice of Appeal, filed by Eric Voss... The district court shall address and decide whether to issue a Rule 54(b) judgment, it shall do so within two weeks of the date of this order and shall state the reasons for its actions. Nothing in this order precludes or prejudices any party from arguing before this court that any Rule 54(b) judgment was entered in error. So ordered. Order issued in the USCA 11/12/2009 (Ramos, Jeanette) (Entered: 11/13/2009)
11/17/2009		Magistrate Judge Kenneth P. Neiman: Electronic ORDER entered as follows: counsel for the parties and counsel for the Groton parents shall appear for a

		conference on November 20, 2009, at 11:00 a.m. to address the November 12, 2009 Order of the Court of Appeals. (See Document No. 524.) Should any counsel wish to file a memorandum regarding the Order, he or she shall do so by November 19, 2009, provided the memorandum be no more than five pages. So ordered. (Neiman, Kenneth) (Entered: 11/17/2009)
11/18/2009	<u>525</u>	Response by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ARC Massachusetts, Stavros Center for Independent Living to <u>522</u> Status Report. (Schwartz, Steven) (Entered: 11/18/2009)
11/18/2009	<u>526</u>	BRIEF by Frederick A. Laskey, William D. O'Leary, Bruce M. Bullen, Gerald Morrissey, Elmer C. Bartels, Howard Koh, Teresa O'Hare, Deval Patrick to <u>524</u> USCA Order, <i>Regarding the November 12, 2009, Order of the Court of Appeals.</i> (Salinger, Kenneth) (Entered: 11/18/2009)
11/18/2009	<u>527</u>	Response by Frederick A. Laskey, William D. O'Leary, Bruce M. Bullen, Gerald Morrissey, Elmer C. Bartels, Howard Koh, Teresa O'Hare, Deval Patrick to <u>522</u> Status Report. (Salinger, Kenneth) (Entered: 11/18/2009)
11/19/2009	<u>528</u>	MEMORANDUM OF LAW by Loretta Rolland, Terry Newton, Bruce Ames, Frederick Cooper, Margaret Pinette, Leslie Francis, Timothy Raymond, ARC Massachusetts, Stavros Center for Independent Living to Order,. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit)(Schwartz, Steven) (Entered: 11/19/2009)
11/19/2009	<u>529</u>	MEMORANDUM OF LAW by eric voss. (Sheehy, Stephen) (Entered: 11/19/2009)
11/20/2009		Electronic Clerk's Notes for proceedings held before Magistrate Judge Kenneth P. Neiman: Counsel appear for Status Conference held on 11/20/2009. Colloquy re: status of case. Order to issue. (Court Reporter: Digital (11:00 a.m.)) (Healy, Bethaney) (Entered: 11/20/2009)
11/20/2009	<u>530</u>	Magistrate Judge Kenneth P. Neiman: MEMORANDUM AND ORDER ENTERED, cc:cl. See Order for details. (Healy, Bethaney) (Entered: 11/20/2009)
11/20/2009	<u>531</u>	Magistrate Judge Kenneth P. Neiman: FINAL JUDGMENT with respect to the Objections raised by certain class members (Eric Voss, et al.), ENTERED, cc:cl. (Healy, Bethaney) (Entered: 11/20/2009)
12/01/2009		Magistrate Judge Kenneth P. Neiman: Electronic ORDER entered as follows: as discussed at the conference this day, the Court Monitor shall provide the court with semi-annual reports on January 15th and July 15th of each year (commencing July 15, 2010), after having first provided draft copies of the report to the parties for their comments thirty days in advance. The parties shall respond to a semi-annual report only if requested by the court. So ordered. (Neiman, Kenneth) (Entered: 12/01/2009)
12/01/2009		Electronic Clerk's Notes for proceedings held before Magistrate Judge Kenneth P. Neiman: Status Conference held on 12/1/2009. (Court Reporter: Digital (2:00 p.m.)) (Healy, Bethaney) (Entered: 12/03/2009)
02/12/2010	<u>532</u>	USCA Judgment DATED 1/19/2010 as to <u>433</u> Notice of Interlocutory Appeal,, filed by Gerald Morrissey, Deval Patrick, Howard Koh, Teresa O'Hare, Frederick A. Laskey, Bruce M. Bullen, Elmer C. Bartels, William D. O'Leary, <u>497</u> Notice of Appeal, filed by eric voss, 325 Notice of Appeal. The Judgment of the District Court is AFFIRMED. Costs are awarded to the Plaintiffs-Appellees and the State. (Finn, Mary) (Entered: 02/12/2010)
02/12/2010	<u>533</u>	MANDATE of USCA dated 2/10/2010 as to <u>433</u> Notice of Interlocutory Appeal,, filed by Gerald Morrissey, Deval Patrick, Howard Koh, Teresa O'Hare, Frederick A. Laskey, Bruce M. Bullen, Elmer C. Bartels, William D. O'Leary, <u>497</u> Notice of Appeal, filed by eric voss, 325 Notice of Appeal,. Appeal <u>503</u> , <u>499</u> , <u>524</u> , <u>433</u> , <u>532</u> , <u>498</u> , <u>497</u> , <u>364</u> . Terminated. (Finn, Mary) (Entered: 02/12/2010)
02/12/2010		Appeal Record Returned: <u>497</u> Notice of Appeal, <u>433</u> Notice of Interlocutory Appeal,, 325 Notice of Appeal. (Finn, Mary) (Entered: 02/12/2010)

02/12/2010	<u>534</u>	NOTICE of Withdrawal of Appearance by Catherine H. Wicker (Wicker, Catherine) (Entered: 02/12/2010)
03/31/2010		Civil Case Terminated. (Healy, Bethaney) (Entered: 04/05/2010)
10/20/2010	<u>535</u>	Assented to MOTION for Leave to File Excess Pages by Bruce Ames, Frederick Cooper, Leslie Francis, ARC Massachusetts, Terry Newton, Margaret Pinette, Timothy Raymond, Loretta Rolland, Stavros Center for Independent Living.(Schwartz, Steven) (Entered: 10/20/2010)
10/20/2010	<u>536</u>	RESPONSE to Motion re <u>535</u> Assented to MOTION for Leave to File Excess Pages filed by Elmer C. Bartels, Bruce M. Bullen, Howard Koh, Frederick A. Laskey, Gerald Morrissey, Teresa O'Hare, William D. O'Leary, Deval Patrick. (Salinger, Kenneth) (Entered: 10/20/2010)
10/21/2010		Magistrate Judge Kenneth P. Neiman: ELECTRONIC ORDER entered granting <u>535</u> Plaintiffs' Motion for Leave to File Excess Pages, to the extent Defendants consented to a memorandum of less than twenty-five pages. So ordered. (Neiman, Kenneth) (Entered: 10/21/2010)
10/22/2010	<u>537</u>	MOTION for Attorney Fees by Bruce Ames, Frederick Cooper, Leslie Francis, ARC Massachusetts, Terry Newton, Margaret Pinette, Timothy Raymond, Loretta Rolland, Stavros Center for Independent Living. (Attachments: # <u>1</u> List of Exhibits, # <u>2</u> Exhibit 1 – Summary of Fees, # <u>3</u> Exhibit 2 – Schwartz Affidavit, # <u>4</u> Exhibit 3 – Costanzo Affidavit, # <u>5</u> Exhibit 4 – Laski Affidavit, # <u>6</u> Exhibit 5 – Follett Affidavit, # <u>7</u> Exhibit 6 – Engel Affidavit, # <u>8</u> Exhibit 7 – Rossman Affidavit, # <u>9</u> Exhibit 8 – Rodgers Affidavit, # <u>10</u> Notice of manual filing of time records – Exhibits 9–16)(Schwartz, Steven) (Entered: 10/22/2010)
10/22/2010	<u>538</u>	MEMORANDUM in Support re <u>537</u> MOTION for Attorney Fees filed by Bruce Ames, Frederick Cooper, Leslie Francis, ARC Massachusetts, Terry Newton, Margaret Pinette, Timothy Raymond, Loretta Rolland, Stavros Center for Independent Living. (Schwartz, Steven) (Entered: 10/22/2010)
10/25/2010	<u>539</u>	MOTION for Extension of Time to December 17, 2010 to File Response/Reply as to <u>537</u> MOTION for Attorney Fees by Elmer C. Bartels, Bruce M. Bullen, Howard Koh, Frederick A. Laskey, Gerald Morrissey, Teresa O'Hare, William D. O'Leary, Deval Patrick.(Salinger, Kenneth) (Entered: 10/25/2010)
10/25/2010	<u>540</u>	RESPONSE to Motion re <u>539</u> MOTION for Extension of Time to December 17, 2010 to File Response/Reply as to <u>537</u> MOTION for Attorney Fees MOTION for Extension of Time to December 17, 2010 to File Response/Reply as to <u>537</u> MOTION for Attorney Fees filed by Bruce Ames, Frederick Cooper, Leslie Francis, ARC Massachusetts, Terry Newton, Margaret Pinette, Timothy Raymond, Loretta Rolland, Stavros Center for Independent Living. (Schwartz, Steven) (Entered: 10/25/2010)
10/25/2010	<u>541</u>	MOTION for Leave to File <i>A Reply to Defendants' Response to Plaintiffs' Motion for a Further Award of Attorney's Fees</i> by Bruce Ames, Frederick Cooper, Leslie Francis, ARC Massachusetts, Terry Newton, Margaret Pinette, Timothy Raymond, Loretta Rolland, Stavros Center for Independent Living.(Schwartz, Steven) (Entered: 10/25/2010)
10/26/2010		Magistrate Judge Kenneth P. Neiman: ELECTRONIC ORDER entered granting <u>539</u> Defendants' Motion for Extension of Time to December 17, 2010, to File Response re <u>537</u> Plaintiffs' Motion for Attorneys' Fees and granting as well <u>541</u> Plaintiffs' Motion for Leave to File Reply by January 4, 2011. So ordered. (Neiman, Kenneth) (Entered: 10/26/2010)
11/30/2010	<u>542</u>	Transition Planning and Services Report submitted by Lyn Rucker for Reporting Period: Review #1 August 2009 to April 2010. (Healy, Bethaney) (Entered: 11/30/2010)
11/30/2010	<u>543</u>	STATUS REPORT (Semi-Annual Report) by Lyn Rucker. (Healy, Bethaney) (Entered: 11/30/2010)
12/17/2010	<u>544</u>	Opposition re <u>537</u> MOTION for Attorney Fees <i>for the Period Ending June 30, 2010</i> , filed by Elmer C. Bartels, Bruce M. Bullen, Howard Koh, Frederick A.

		Laskey, Gerald Morrissey, Teresa O'Hare, William D. O'Leary, Deval Patrick. (Attachments: # <u>1</u> Exhibit A – First Circuit order, # <u>2</u> Exhibit B – Plaintiffs' Fee Request to First Circuit, # <u>3</u> Exhibit C – Defendants' Fee Analysis (spreadsheets), # <u>4</u> Exhibit D – Affidavit of Kenneth W. Salinger)(Salinger, Kenneth) (Entered: 12/17/2010)
01/07/2011	<u>545</u>	REPLY to Response to <u>537</u> MOTION for Attorney Fees filed by Bruce Ames, Frederick Cooper, ARC Massachusetts, Terry Newton, Margaret Pinette, Timothy Raymond, Loretta Rolland, Stavros Center for Independent Living. (Attachments: # <u>1</u> Exhibit Fee Order and Memo)(Schwartz, Steven) (Entered: 01/07/2011)
01/11/2011	<u>546</u>	MOTION for Leave to File a <i>Surreply in Opposition to Plaintiffs' Request for Attorneys' Fees</i> , by Elmer C. Bartels, Bruce M. Bullen, Howard Koh, Frederick A. Laskey, Gerald Morrissey, Teresa O'Hare, William D. O'Leary, Deval Patrick. (Attachments: # <u>1</u> Errata Proposed Surreply)(Salinger, Kenneth) (Entered: 01/11/2011)
01/13/2011		Magistrate Judge Kenneth P. Neiman: ELECTRONIC ORDER entered granting <u>546</u> Motion for Leave to File Surreply. Counsel using the Electronic Case Filing System should now file the document for which leave to file has been granted in accordance with the CM/ECF Administrative Procedures. Counsel must include – Leave to file granted on January 13, 2011 – in the caption of the document. So ordered. (Neiman, Kenneth) (Entered: 01/13/2011)
01/13/2011	<u>547</u>	SUR–REPLY to Motion re <u>537</u> MOTION for Attorney Fees filed by Elmer C. Bartels, Bruce M. Bullen, Howard Koh, Frederick A. Laskey, Gerald Morrissey, Teresa O'Hare, William D. O'Leary, Deval Patrick. (Salinger, Kenneth) (Entered: 01/13/2011)